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HYDRO ELECTRIC ENQUIRY COMMISSION

CHIPPAWA DEVELOPMENT

NIAGARA FALLS, FEBRUARY 6TH, 7TH AND 8TH, 1923.

VOL. I

W. C. Coo
Official Reporter

HYDRO ELECTRIC INQUIRY COMMISSION.

CHIPPAWA DEVELOPMENT.

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Niagara Falls, February 6,1923

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HYDRO ELECTRIC INQUIRY COMMISSION.

CHIPPAWA DEVELOPMENT.

Niagara Falls, February 6th,1923.

P r e s e n t:

W.D.GREGORY, Esq., CHAIRMAN.

M.J.HANEY, Esq., COMMISSIONER.

J.A.ROSS, Esq., COMMISSIONER.

R.A.ROSS, Esq., COMMISSIONER.

F.A.GABY, Esq.,
W.W.POPE, Esq.,K.C.
R.T.JEFFERY, Esq.,
H.G.ACRES, Esq.,
) representing HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

Reported by William C.Coo,C.S.R.

MR.POPE: We would like to be informed as to the matters to be considered at this sitting of the Commission. We wrote the Commission on Monday asking to be advised of the nature of the complaints and the names of the complainants. We have received no reply to that communication.

THE CHAIRMAN: If anything comes up,Mr.Pope,that you are not able to answer at the time,you will have every opportunity,and so far as we can,we will answer questions covering the whole ground pro and con. We have no case to make out. Our only object is to get at the facts.

MR.POPE: We are anxious to help you if we can, and we hope we will help ourselves,but we do not know what

we have to answer. I do not see how we can prepare our case.

THE CHAIRMAN: We do not know much more than you do.

MR.GABY: The Commissioners have been provided with a brief and we should have a copy of that brief,and then we would know whom to bring here to answer any charge that might be made and meet any complaint. You have a brief beforeyou,and the witnesses have all been interviewed. We should have that information and should not have to wait weeks and weeks to answer any complaints that may be made at this time.

THE CHAIRMAN: This is the first request that has been made to us for information. We will give you the names of the people we are going to call and you will hear their evidence.

MR.POPE: I have been connected with a great many inquiries,but never before have I been called upon to defend without being given some information as to the charges and complaints to be met.

MR.GABY: We have asked for this information, so that we can look up our files and give the proper explanation at the time any matter is brought up. These things will be published broadcast all over the country, and it may take weeks before we have an opportunity of answering. That is not fair. We should not be put in a position like that.

THE CHAIRMAN: We must not pre-judge. We do not know what is coming up.

MR.GABY: We have to be able to answer these things,

and if we knew beforehand,we would be in a better position to do so. A case has been prepared for the benefit of yourselves,and you have been furnished with the questions to be asked certain witnesses. Why should not we have a copy of that so that we can prepare our case and be able to answer?

THE CHAIRMAN: I think we had better taken the evidence as it comes up. A great deal of it is mere hearsay.

MR.GABY: Those are the statements I am trying to get away from. A great deal of it is hearsay and we want to be able to present facts at the time this hearsay evidence is thrown broadcast in the papers.

THE CHAIRMAN: I fancy there will be no evidence given here that you will not be able to give the other side of it.

MR.GABY: The men who are able to answer a good deal of the details,are men probably not in the employ of the Commission today, and we will have to bring these men from a distance in order to answer this hearsay evidence.

THE CHAIRMAN: You shall have every opportunity to bring them here.

MR.GABY: That means after this information has been made public for weeks.

THE CHAIRMAN: I fancy you will find you have either in your possession or in the possession of someone near at hand,the information to deal with all these matters.

MR.GABY: True,we have the facts,but we are not able to answer at this time because we do not know what questions are coming up nor what hearsay evidence will be

placed before you. If we had the information we could look up our files which are voluminous and be able to place the answer before you at once. You have a voluminous pile there of information, and we should have an opportunity of seeing that and to know the evidence that is going to be brought against the Commission, so that we will have an opportunity of getting our facts together and presenting them to you.

THE CHAIRMAN: I think the best thing for you to do is to hear what is said, and if there is anything you disagree with, you shall have every opportunity to answer it. That is the best we can do.

MR.GABY: I do not think it is fair, Mr.Chairman.

JAMES A.CALVERT, called.

TO THE CHAIRMAN:

Q. Where do you live? A.At Queenston.

Q. What is your occupation? A. Manager of the Larkin Farm.

Q. You reside on the Larkin farm? A. Yes.

Q. Were you ever an employee of the Hydro Electric Commission?

A. Yes.

Q. When? A. The fall of 1922, I think; about a year.

Q. What was your occupation? A. Special officer.

Q. What were your duties? A. My duties were to keep the men from gambling in the camps and to keep booze from going into the camp and keep order.

Q. To stop gambling and keep booze from going into the camp? A. Yes, and keep order.

Q. At what place were you supposed to perform your duties?

A. At the lower camp down at the farm, down at the Crusher.

Q. What were your hours? A. Generally from ten o'clock at night until four in the morning.

Q. Tell us what you did during that time? Were you out every night? A. Yes,Sir.

Q. From ten until four? A. Sometimes during the day - and sometimes earlier than that.

Q. Was there any occasion to have men to perform the duties you were performing? A. I think there was.

Q. Tell us some of your experiences in the performance of your duties? What you had to do at any time? A. Well, I know that I upset several games of crap.

Q. That was your duty to stop games of crap? A. That was one of them.

Q. How many games did you stop? A. Several of them - dozens of them.

Q. Just down there? A. Yes,Sir.

Q. What other games? A. I was called several times up to this Whirlpool Camp; I know one time we had quite a time there - a fight on - we had to go up there and take the men to St.Catharines; I remember that particularly.

Q. When was that? A.Well,I could not tell you just that date.

Q. Was it in the summer or winter? A. In the fall.

Q. Of which year? A. 1921 when they first went on.

Q. You said another of your duties was to keep booze out of the camp? A. As much as possible.

Q. Did you keep it all out? A. I would not want to say yes, because I know I did not; I did the best I could.

Q. What steps did you take? A. I was there and as soon as they found out I was on the job,they kept away,and I

had an automobile and was able to get around the camps; I was right on the job there all the time,day and night. I do not mean to say I was there all the time,but I was on the job. I did my duty as far as I could.

Q. Tell us just what actual duties you performed in the way of keeping booze out? A. I do not know how to explain that.

Q. You were an officer there from ten until four,every night; you would have some recollection of some of the things you did during that time? A. Our farm adjoins that property,and it was pretty easy for me to drive down through the orchard at any point there,and as soon as they found out I was on duty,it made it very uncomfortable for them.

Q. You think when you were around there,the booze would go away? A. I do not know that it would go away; it would stay away.

Q. How would they get the booze in? A. In trucks and cars.

Q. Came in by the truckload? A. Yes.

Q. Were not there any officers around there to keep it out? A. There was one more officer there, - the Provincial police were on the job several times as I remember.

Q. Did you ever see any truckloads coming in? A. Yes.

Q. How many times? A. I did not see it coming into the camp; we knew it left Thorold and we tracked it so that it did not come into the camp; I did not get hold of the booze; I tried hard to but I did not.

Q. How did you know there was any there? A. I did not know until I was there.

Q. After you did know? A. If you would see them intoxicated and fighting underthe influence of booze,you would know it was around there somewhere.

Q. Did you see the men that way from time to time?

A. Several times.

Q. Did you find any of the booze that was making them drunk? A. No.

Q. Not at any time? A. No.

Q. I thought you were there every night from ten until four and saw the men fighting and drunk - you did not find the booze? A. I did not happen to; I knew of it.

Q. Did you try very hard? A. Yes,Sir.

Q. You say they brought it in by cars as well as trucks? How did you know that?

MR.GABY: The witness said he knew it left Thorold and he did not know it got into the camp,but it left Thorold in trucks and he was unable to trace that truck. It was only on several occasions this booze was there.

THE CHAIRMAN: Perhaps we had better hear him.

MR.GABY: I was trying to correct an impression that was getting out.

TO THE CHAIRMAN:

Q. What did you do with the booze coming in cars?

A. I did not get it.

Q. How do you know it was in cars? A. We were told that it was; that is the way it came in and to look for it.

Q. You do not know of your own knowledge that any went in there? A. No,I do not know.

Q. You saw men fighting and saw men drunk? A. Yes,Sir.

Q. You did not see the booze that made them drunk?

A. No,Sir.

Q. Don't you think as a special officer there,you might have followed that up and found the booze that was causing this drunkenness and fighting? A.We put a check to it.

Q. How? A. There was not so much of it going on.

Q. How did you stop it? A. We took several men to St.Catharines.

Q. For what? A. For fighting and drinking and disorderly conduct.

Q. You did? A. Sure.

Q. Did you lay the charge yourself? A. Mr.Harris,the policeman at Queenston did.

Q. Did you lay a charge against anyone? A. No.

Q. Did Mr.Harris or you find any booze? A. No,I did not,

Q. What steps did you take to locate it? A. Whatever I thought was best.

Q. What did you think was best? Did you make a search?

A. As long as they knew I was around there,they were pretty careful of it.

Q. You say when you were around there they were drunk and fighting,so they could not have been very careful?

A. It is pretty hard when you have 3,000 men,to keep track of them all

MR.ACRES: The drunkenness and fighting was over.

THE CHAIRMAN: Don't interrupt the witness; we will hear what he has to say first.

Q. What steps did you take to stop it yourself?

A. In what way do you mean?

Q. You were a paid officer of the company; you were there to stop this fighting and drunkenness; what steps did you take? What did you actually do yourself?

A. Merely stop the fights.

Q. When a fight would start up, if the booze was there, what steps did you take to search for the cause of this fighting and drunkenness? A. I do not know that I took any real active steps in searching for the booze. We wanted to keep the booze out and keep the men on the job. They were no good if they were fighting and drinking at night, and they wanted to keep the booze out as much as possible.

Q. It continued to go in while you were there; I am trying to find out why you did not take steps to stop the booze going in? A. It was stopped.

Q. You say not? A. How is that?

Q. I do not know. You say you did not locate any and did not prosecute anyone and you were a special office for that purpose? A. I claim when we were there, the booze did not come in as readily as it did before I was on the job.

Q. They were fighting and drinking so the booze must have been coming in? A. A little of it, of course.

Q. Did you know any place in the neighborhood where there was any booze? A. Not specially, no.

Q. Did you ever see any in the neighborhood yourself?

A. No.

Q. Did you ever have any at your own house? A. Yes.

Q. Did any people ever get any at your house?

A. No - do you mean to sell it to them?

Q. No,go in there and take a drink? A. If I have a friend there at any time.

Q. Mention some of the people that used to go in there and get drinks? A. That is pretty hard to say.

Q. So many of them? A. No,I could not afford that.

Q. You were getting pay all the time? A. It did not make any difference; I cannot afford to take my pay and put it into booze.

TO COMMISSIONER J.A.ROSS:

Q. These people who went in were personal friends of yours; it was not a rendezvous for employees of the Hydro to go in there and get a drink? A. No,Sir. If you felt disposed to take a drink down at my house this afternoon or tomorrow,I will give you a drink,but I do not make a habit of taking everybody in and giving them a drink. I am getting pretty shhrt anyway.

TO THE CHAIRMAN:

Q. Tell us some of those who used to go there and drink? A. That is pretty hard to say.

Q. It may be pretty hard. You know a good many of them. Tell us some of them? A. Well,I do not know; I have a great many friends there all over the country that came there and got a drink.

Q. A good many friends came there; it was a popular place to go to? A. I do not know that it was popular any more than any other home.

Q. Give us the names now?

MR.ACRES: I can relieve Mr.Calvert of the responsibility of referring to one name; I have been there.

WITNESS: I did not think of Mr.Acres. I do not know how I can start and say who was there and who was

not. I had some friends there on Sunday.

TO THE CHAIRMAN:

Q. Would there be a dozen or half a dozen sometimes there at a time? A. I have had parties there. They were not Hydro parties. I have had parties there of a dozen or two dozen; I have had them from the American side there, - my own invited guests.

Q. Did any of the Hydro men ever go there? Mr.Acres says he has been there? A. I do not know whether Mr.Acres was there at one of these parties or not. Mr.Acres has been to my house and other men have been to my house.

Q. Let us hear some of the other men; you know them well enough. Don't be afraid to tellus who they were?

MR.POPE: Don't you think that is going pretty strong in a Chippawa inquiry?

THE CHAIRMAN: This was used as a centre,I understand; it was a popular place.

WITNESS: Don't you think it is all right for me to have a party?

THE CHAIRMAN: I am not saying it is all right or all wrong,but the fact that you withhold these names would indicate you think it is wrong? A. No,I do not know that it is right,but I would have to think it up and get a list.

Q. Was Mr.Scribbins there? A. He has been to my house, certainly.

Q. Would he have refreshments there? A. Sure.

Q. Was Mr.Richmond there? A. I do not think so.

Q. How much liquor would you get into your house at a time?

A. Well,I think about four years ago I put in five cases.

Q. When didthe next consignment come? A. It went dry then,three or four years ago.

Q. In 1921 it was dry,was it? A. I think so,was not it?

A. I do not think you could import liquor in 1921.

Q. I was asking you if there was any in your house at that time? A. There is some there now.

Q. It had not gone dry then? A. No,but I could not get any more in.

Q. You had it there in 1921 and 1922,and you have it there still? A. Yes.

Q. You entertained a number of men,Hydro men,at your house?

A. Yes.

Q. Entertained them and provided them with liquor?

A. Yes,a little of it.

Q. Did you have a club there? A. No - no,Sir.

Q. You were a preventive officer to stop booze going into the camp? A. Yes,Sir.

Q. How often did you send your reports in? A. I did not have any reports.

Q. Did you not make any reports of what you saw there?

A. Not on paper; I have reported to the officers.

Q. To whom did you report drunkenness and fighting?

A. Mr.Harris,the Provincial officer,and Jack Stewart.

Q. Who was your chief on the Hydro? A. Do you mean the officer?

Q. To whom did you have to report? A. I did not have to report to anyone particularly. I worked with all of them as far as that is concerned - Stewart and Mr.Angell - I reported anything that was going on.?

Q. Is he another who used to go to your house?

A. Mr.Angell did not come very often - may have been there

once or twice; I do not remember who these men were that were there.

TO COMMISSIONER J.A.ROSS:

Q. Who hired you? A. Mr.Angell.

MR.ACRES: Mr.Angell hired him on my recommendation.

TO THE CHAIRMAN:

Q. When did he hire you? A.The fall of 1921,I think it was sometime in August or September.

Q. The record shows you were on the payroll in June,1921?

A. It may have been in June; I think it was in August though.

Q. What was to be your pay? A. $100 a month.

Q. You were to be on duty every night from ten to four, and you were? A. Yes.

Q. How much money did you draw altogether? A. I have not kept track of that.

Q. Will you have any entries of it in your books?

A. I could figure it up easy enough.

Q. I notice from the records you drew some cheques and returned them; did not cash them at all? A. Without cashing them?

Q. Yes - sent them back; they were returned to the Accountant's Department? A. For what purpose?

Q. They were not used and they were returned without being cashed; you said you were engaged in the fall of 1921 and your cheque for June,1921,was said to be returned?

A. I do not understand that.

Q. Did Mr.Larkin know you were engaged steadily as an officer on the Hydro during this period? A. Certainly.

Q. You drew your pay from him at the same time? A. Yes.

Q. Would the liquor you bought there cost you as much as you got from the Hydro? A. The liquor that I bought - I hope not. I could not afford to do that.

Q. How did you manage to work during the day when you were working all night for the Hydro? A. I kept going in some way.

Q. You were a strong man? A. Pretty healthy.

Q. You look as if you stood it pretty well? A. I did.

Q. Were you ever asked for any written report of all these occurrences which you saw - the drunkenness and fighting that you spoke about? A. No.

Q. Do you recollect any of these men that you reported that were convicted? A. No, I do not recollect any names this morning.

Q. Was there anyone else besides yourself that took part in protecting the camps from booze? A. Well, there was a camp officer.

Q. Who was that? A. Jack Stewart was there.

Q. Who is Jack Stewart? A. A policeman down there.

Q. Was the policeman giving his whole time to the Hydro?

A. He was the Hydro policeman.

Q. Anyone else? A. I do not know.

Q. Did he ever make any search for liquor? A. I believe he did; I do not know.

Q. What is the reason you never made any search for it?

A. Well, the other man was doing that part of it.

Q. Two men might be likely to find more than one - a man like you who knew the men so well and lived right by?

A. I did not know the men; they were strangers to me - all foreigners.

Q. The drinking was confined mostly to the foreigners?

A. Very much,yes.

Q. Did any of the foreigners come to your house and get drinks? A. No,Sir.

Q. You had the select class? A. I had my friends, ordinary people; I do not know that they were select.

Q. I think it must have been a popular place. How was it you came to give up this position; were you discharged?

A. Yes.

Q. At your request? A. No.

Q. How did you come to be discharged? A. As soon as they got rid of the men and the work done practically,I was discharged.

Q. Your work was done? A. No - only just discharged - nothing to do.

Q. When was it you stopped? A. The last of the year,1922.

Q. The record of the Hydro shows that they stopped paying you in May,1922; it is just made up to that time. You say you kept on until the fall? A. Yes.

Q. How was it if you were working all the time you got so many deductions from your pay? You said you were to get $100 a month? A. Yes.

Q. You did not get $100 a month? A. What did I get.

Q. In January,1922,you got $48.30; January 31st, $31.70; there is a deduction of $20 there? A.Well.

Q. In one pay you only got $26.45? A. Well,I can explain the $20. A friend of mine was renting a camp down there and I went security for it,and I paid the rent each month for him.

Q. The $20 would be deducted to pay that? A. Yes.

Q. How often would that be deducted? A. Monthly.

Q. That is what the $20 deduction was for; it was not a real deduction, it was to pay the rent? A. Yes, I was responsible for the rent of the building for this man.

Q. I do not understand how some of these cheques were not cashed by you; did you cash all the cheques you got?

A. Why, sure.

Q. It is strange that they should be returned to the Accountant's Department uncashed? Perhaps someone can explain that?

TO MR. GABY:

Q. You were a special officer employed by the Commission on night duty during certain periods, 1921-1922?

A. Yes.

Q. Had you any special knowledge of the number of constables employed, and special agents, employed by the Commission to protect the property of the Commission?

A. No, I had not.

Q. You were simply employed on special duty in a certain location, as far as the Commission was concerned? A. Yes.

Q. You do not know whether the Commission had over 20 constables and special agents doing the same duty, - you were not aware of the instructions to Mr. Stewart or any other man as to what their duties were in searching the camp?

A. No.

Q. You know that searches were made from time to time?

A. Yes.

Q. You know that precautionary measures were taken by the Commission to protect its property, so that it would be

quite feasible for the Commission to protect the entrance of liquor,and that they built fences for that purpose?

A. Yes.

Q. These fights that you speak of,were not numerous; there were only a few during a long period of time?

A. They would be Saturday nights and Sundays off and on, especially after pay day.

TO THE CHAIRMAN:

Q. How often was pay day?

MR.GABY: Once every two weeks.

Q. They were not frequent; there were not a large number of them - just a few of them Saturday nights and Sundays?

A. Yes,once in one place and then another - never knew where they were going to break out.

Q. Liquor may have been carried in on the persons of the various men employed? A. Yes,Sur.

Q. Was not it a fact that a great deal of liquor consumed was outside of the camps of the Commission,in the surrounding districts,in the bush? A. That is probably the way it was. That is where these men got it.

TO COMMISSIONER HANEY:

Q. How do you know that? A. I said probably.

TO THE CHAIRMAN:

Q. You do not know it? A. I do not know where they got it outside.

TO COMMISSIONER HANEY:

Q. Do you know anything about the drinking in the bush?

A. You can go down in the bush and find bottles there empty- go over in our own bush and find bottles empty,and that is

a pretty sure sign that they had been drinking outside.

TO THE CHAIRMAN:

Q. The men were drinking in your bush? A. Different bushes around there where they went; we have three bushes.

Q. Did you ever arrest any men there? A. Never caught them in there.

Q. You found the bottles and they were empty? A. Yes.

TO MR.POPE:

Q. Did you know of the Provincial staff that was sent over for the express purpose of breaking up the bringing in of liquor? A. Yes.

MR.GABY: Provincial and Dominion.

MR.POPE: We could not get the Dominion Force; we applied to the Dominion but we could not get them except for Dominion purposes. I got the Hon.Mr.Raney, the Attorney-General, to appoint a staff and put a man in charge of it, and they were there for a considerable time, and they summonsed as many as 25 men at one time before the Police Magistrate here.

TO THE CHAIRMAN:

Q. That was during the time Mr.Calvert was working?

A. Yes, in 1921-1922.

Q. Did the Provincial Police succeed in stopping it?

MR.POPE: These people reported that it came largely from the American side; it came across in automobiles; they would come over in an automobile and take off the number and clear out. It was distributed outside our premises, in the bush.

THE CHAIRMAN: I thought the movement of liquor was from this side over to the other?

MR.POPE: No,that was the information that came to us that it came from across the River.

THE CHAIRMAN (To Mr.Calvert).

Q. Did it come from across the river? A. I did not see it coming; I heard that is where it was supposed to come from.

MR.POPE: If you will look up the records in the Attorney-General's Department,you will find there,the records showing that is where the liquor came from.

THE CHAIRMAN: These trucks and motor cars that brought the liquor - where were they reputed to come from?

MR.CALVERT: From the west somewhere; we could not tell just where - Kitchener and up that way.

TO COMMISSIONER HANEY:

Q. Waterloo? A.Well.

Q. Did you hear about some coming from Waterloo?

A. I have no doubt it did,but I could not swear to it.

Q. That is where it was supposed to come from?

A. It may have come from Toronto; it is hard to tell where a truck would come from.

TO THE CHAIRMAN:

Q. While these men were fighting and drinking,I suppose that would rather tend to lessen their usefulness as laborers? A. Sure.

Q. How long would it take the effects to wear off?

A. Some of them got over it very quickly and others not so quickly. It is pretty hard to handle some men when they are intoxicated.

Q. Were there any temperance men among them? A. I do not think so.

Q. They all were willing to take booze when they had the chance to get it? A. I would not say that. I do not think all of them. You know pretty well that a foreigner likes a drink.

Q. The worst time was after pay day? A. Naturally.

MR.GABY: It was confined to a very few men in the camps; it was not the majority of the men?

A. No,not confined to the majority,but certain men in every camp.

Q. Saturday nights and Sundays? A. Yes.

MR.ACRES: I might say we had two concentrations of foreign laborers at work. We had the Whirlpool and the Queenston camps. This Queenston Camp that has been referred to,it so happened that at this point we only had two places where vehicular traffic could get on the job. At the Whirlpool there was a gate through which vehicles could come into the camp to serve the camp with the various services such as bread and ice and alleged soft drinks.

THE CHAIRMAN: Why do you say alleged?

MR.ACRES: Because we had reason to find out the soft drinks were not soft drinks.

Q. A good many of them were hard? A. Simply hard stuff in pop bottles. The other entrance was exactly opposite Mr.Calvert's residence at Queenston,and that happened to be the entrance that was used because a little more remote from our home activities,and we had an idea that a great deal of the illicit liquor was coming through the Queenston vehicular entrance to the job, and although we could not prove it, we barred several concerns from bringing their

vehicles on the job,and I concluded in view of Mr. Calvert living so close to the vicinity and being a man physically able to know how to look after himself pretty well,that if we got him to keep his eye on that end of the job,it would be a valuable preventive measure,even though he took no active measures to enforce the law,which of course he did as the men convicted prove. He was there to see that men with suspicious vehicles did not come in on the job.

THE CHAIRMAN: He says he did not do anything with the vehicles.

MR.ACRES: That is what I am trying to bring out.

MR.CALVERY: We did; we stopped them.

THE CHAIRMAN: No.

MR.ACRES: There is a misunderstanding in reference to Mr.Calvert's remarks that liquor came on the job in truckloads.

THE CHAIRMAN: He said it came in in truckloads.

MR.ACRES: It came in truckloads from various parts of the Province. A great many trucks passed through that entrance ,and one of Mr.Calvert's duties was to see that those trucks carrying liquor or illicit freight should not pass through the gate.

THE CHAIRMAN: What did he do? He says he did not hold up a truck or a car?

MR.ACRES: Yes,he did; he held up trucks and investigated them.

THE CHAIRMAN: He said he could not see what was in them.

MR.ACRES: After Mr.Calvert came on,we had very

little trouble with liquor coming in on the job.

THE CHAIRMAN: I understood Mr.Calvert to say that he could not say from his own knowledge that it was liquor that was in the trucks.

MRCALVERT: There was no liquor went into the camp while I was there.

Q. You did not examine the trucks or cars? A. We stopped several cars and stopped pop from going in for months, - stopped pop bottles going in there at all.

TO COMMISSIONER J.A.ROSS:

Q. How did you stop them? A. I would not let them go in; told them to stay off the place.

Q. Mr.Acres says your function was rather that of supervision and to report to Mr.Angell or whoever Mr.Angell appointed,what the conditions were and what the difficulty was,so that he could take action. You did not have any executive powers to stop or confiscate? A. I sure did. I stopped several trucks from going in there with pop bottles. I did not examine the bottles because I am not a judge of mixed stuff.

TO THE CHAIRMAN:

Q. Are you a judge of any kind of stuff? A. No,I am not; I do not pretend to be.

TO COMMISSIONER J.A.ROSS:

Q. You turned the trucks back? A. Yes.

Q. But you did not confiscate? A. No,my orders were not to let the trucks in.

Q. You did not replenish your larder in that way? A. No.

TO THE CHAIRMAN:

Q. Did you make any seizures? A. No,Sir.

Q. Did you examine the stuff in the bottles? A. No,my orders were not to let any bottles in.

Q. There were a lot of bottles that went in there?

A. Not so many after we got things locked up so that they could not get in.

Q. Do you mean to say you did not examine the bottles on these trucks and in the cars to find out whether it was hard stuff or not? A. No.

Q. You did not prosecute anyone? A. No,I did not,certainly.

Q. Did you stop all the bottles coming in in that way?

A. After we got orders,yes.

Q. Were the orders not to let anything go in in cars?

MR.ACRES: Yes,Sir,the orders were that nothing in bottles was to be allowed in..

THE CHAIRMAN: When was that order made?

MR.ACRES: I do not remember the date.

Q. Was it last year? A. During the peak of the work in 1921.

Q. No bottles went in after that? A. No.

Q. How do you account for the fighting? A. They would walk in through the bush and walk up the International track and climb the fence. We had 24 miles of frontier on that job,and the men had ample opportunity for getting it in. I think it would be difficult to prevent it.

MR.GABY: They all had pockets,and they could all carry it on the hip if they wished to. The Commission did everything they possibly could to prevent this stuff coming in. We even went to the expense of putting up a wire fence

around that job, and we had men at the entrance to prevent these men getting in there with this stuff in their possession. Instructions were issued to prevent the stuff going in at all times of the day or the night, and until the Provincial Police got there in numbers, there was a good deal of it going on outside the camp in the adjacent bush. It was to get rid of such outside conditions that the Commission took the necessary steps and brought the matter to the attention of the Attorney-General, and asked for assistance to get rid of the sale of liquor in the vicinity of our camps.

Q. It must have been a serious matter? A. As far as we were concerned, because these men could walk in with it on their hip, and we wanted to prevent that. We presented the matter on a number of occasions to the Attorney-General and asked for assistance to cope with the situation, and it was coped with by his sending up probably 25 or more special constables.

Q. When did they come over? A. In 1920-1921.

MR. ACRES: They came over in the summer of 1921.

MR. POPE: It was July, 1921, and I may say in addition to that, the Attorney-General had on call, a troop of mounted police; that was arranged with the Ottawa Government so that if it became necessary, he could get a troop of mounted police. The distance to cover was so great that people on foot had difficulty in covering it. It was thought at one time it would be necessary to put a troop of mounted men to assist in keeping order and decorum on the frontier.

Q. Were conditions improved from that time?

MR.POPE: They did not find it necessary to do that. The Attorney-General sent a special officer in charge of a detail.

MR.GABY: And in addition to that, the Commission had its own special agents reporting to the Commission direct as to what was going on, so that we could protect against this liquor coming on the property.

MR.POPE: In addition to that, we got the Attorney-General or Mr.Rogers, the Superintendent of Provincial Police, to secure a staff of constables and make them Provincial Police. He examined them under our recommendation and under the recommendation of the Chief of Police here, who was a Provincial Officer. They were selected and passed by Mr.Rogers. They went over to Toronto and were examined by Mr.Rogers, and they were in uniform. The only thing they could not wear was the Provincial button. We had these people there for a very long time, under the supervision of Mr.Rogers. The records will show that Mr.Rogers bought the uniforms and we paid for them.

THE CHAIRMAN: How was it that Mr.Calvert was in the camps there and saw what was going on and did not make any reports in writing?

MR.ACRES: He was not required to do that. He was simply a man put on to watch, as a preventive agent, and to rendered assistance in the case of riot or trouble in the camp, which he did. The regular constables were there.

Q. He was not supposed to make any search?

MR.ACRES: Stewart was the patrolman in that camp and if he saw any liquor he was supposed to destroy it.

THE CHAIRMAN: It seems strange so much liquor went in in front of Mr.Calvert's property and that he did not arrest a single man all that time?

MR.ACRES: I do not think there was much more liquor went in after we put Mr.Calvert on there; he prevented it from getting in. I think the liquor was kept out,due to Mr.Calvert's watching. He had that gate in view all the time,even in the day time.

THE CHAIRMAN: If these bottles had been examined and found to contain liquor,and if the men had been arrested it might have put them out of business.

MR.ACRES: We left that to the Provincial Police; if we had gone to that length,we would have had to do that work instead of digging the canal.

Q. Was there so much as that? A. We had to do it to protect ourselves,and we left the Provincial Police to do the rest of the work.

Q. I thought the Provincial Police would have been at this point? A. They were patrolling the whole job.

MR.CALVERT: Yes,Mr.Harris was there,and he changed the men around several times.

MR.ACRES: Our men were preventive officers. They were not officers that we had to chase these men into gaol All we wanted to do was to protect ourselves,and that was one method we took. I think the liquor that got in the camp was brought in by the men at night,walking with some in their pockets. They smuggled it in in the dark.

Q. Where would they get it? A. One of the worst concentrations of the liquor trade was directly across the road

from the gate of the Whirlpool Camp. Conditions there for months were terrific.

Q. What do you mean by terrific? A. They had all kinds of games there - crap games and things of that kind. It was a regular vast concentration, and we could not prevent our men from going over there; it was not on our property, and if they could get something at that particular point, there was nothing to prevent them walking half a mile down the road and climbing the fence and going into our camps, and we would never know until they began to create a disturbance that they had anything in their clothes or in their stomachs, except cold water. I am confident the bulk of the liquor that got on the job was carried in by the men themselves. It was not carried in in bulk.

Q. Might some cars stop outside and the men go out to them?

A. Yes, I have not any doubt there were in fact we had some of our reliable men found drunk on the job at midnight through no other cause than somebody coming through the bush and handing them some poison in the dark.

Q. Where would these men get their supplies from?

MR. ACRES: I do not know; that was one of the things we had to compete with. We had to watch carefully our work at night to see that men who otherwise were splendid workmen, would not fall into temptation through conditions that they were accustomed to all their lives. We lost heavily by having to let them go because they were experienced and valuable men, but we had to let them go simply because this stuff was handed to them in the dark.

TO COMMISSIONER HANEY:

Q. They paid for it? A. Yes, they paid for it richly - they lost their jobs.

THE CHAIRMAN: I notice in a speech delivered in St. Catharines, in January, 1922, and reported in the St. Catharines papers, delivered by Sir Adam Beck, in dealing with the cost of the work he says: "Finally the activity of the whiskey runners which had lessened the effectiveness of labor amongst other things had resulted in the cost being two and a half times the original estimate". Would you say that was the case?

MR. ACRES: No, I would not say that, but it is one of the things. It is an intangible element that rendered the efficiency of labor less at that particular time.

THE CHAIRMAN: "Sir Adam Beck pointed out that the first plans had been greatly altered and extended and the capacity of the canal increased, and this, with the added cost of material and strikes and finally the activity of the whiskey runners which had lessened the effectiveness of labor, amongst other things, had resulted in the cost being two and a half times the original estimate".

MR. ACRES: He mentioned that as one of the causes, and no doubt it was. It was an intangible thing which was a very material element in the increase of the cost; there is no doubt about that whatever.

Q. I suppose your employees were very largely foreigners.

MR. ACRES: One element that went into it, and which was very serious, was that a number of the men periodically wanted to get liquor, and in the old days they made

arrangements to get it and they left their job for two or three days, and then came back. When these men needed liquor under the conditions under which they were working, they would leave their job for 10 days and go to Montreal and get it. It was a matter of habit. After every pay day, we would lose valuable men for a week or so, until they had gone to Montreal and had their time and came back.

THE CHAIRMAN: I do not see why they went to Montreal?

MR. ACRES: They do.

THE CHAIRMAN: They had so much right there.

MR. ACRES: I suppose a good many of these men wanted to make sure they would get good liquor, and they were law abiding men.

Q. They wanted to get it without breaking the law?

A. Yes, and to get good liquor.

Q. They did not get the best quality on the job?

A. They did not know what they were getting, and I think that was the trouble.

Q. If they had got good liquor, it might not have done them so much harm? A. If they had got good liquor it would not have affected them perhaps, but they got bad liquor and were poisoned.

Q. They would go to Montreal and stay away for ten days?

A. Yes, some of our valuable men; I do not mean inspectors, but men that were necessary, drill meh and men like that, men that were absolutely necessary to the job; they would actually do that, and that is what Sir Adam meant by inefficiency of labor.

Q. It must have been the foreigners that would do that?

A. Yes, absolutely; we could never keep them.

Q. Would you take them back when they returned? A. We had to because we needed them.

TO COMMISSIONER HANEY:

Q. Don't you think you were a little bit lax in doing that?

A. We could not help it; we had to have the men; it was war time.

THE CHAIRMAN: No, it was not war time.

MR. GABY: We were under war conditions in 1920; labor was very scarce on account of the industrial activity.

Q. Did you take them all back? A. I would not say we took them all back, but we took a number of them back. But men who were put off of the job on account of drunkenness, they were never taken back, to my knowledge.

MR. ACRES: A number of these men would come back and be re-employed; we could not avoid re-employing them because we could not get men. It was not a case of giving these men leave of absence; they would quit and come back, and we would rather hire them because we needed them.

THE CHAIRMAN: There is no doubt labor was very scarce. I suppose that was the peak of it in 1920.

MR. GABY: Yes, but it was not a large percentage of the men who did that.

MR. ACRES: It was one of the elements that made the increased cost of labor. It was an intangible thing. You could not put it in dollars and cents. You know the loss was there, simply because it was a condition that did not apply previous to the war.

THE CHAIRMAN: You were going to say something, Mr. Pope, just now.

MR. POPE: I was going to say that surrounding the district of this work which was being carried on night and day, outside of the part of the work where operations were being carried on, that section of the country was in darkness; therefore there was every opportunity to secrete stuff in the bush and all over the place and the Provincial Police found that one of their greatest difficulties. These fellows would come in and put this stuff in the bush and peddle it out and they got rid of it in that way. A day or two before pay day and a day or two after was the time they found the most difficulty. These people knew the men had money and they tried to get in the stuff and we stopped it.

TO THE CHAIRMAN:

Q. Were these gatherings at your house in the night or day time? A. In the evening.

TO COMMISSIONER HANEY:

Q. Before ten o'clock? A. They did not last very long.

Q. You were on duty at ten o'clock? A. Yes.

TO THE CHAIRMAN:

Q. Did that ever take place when you were on duty watching these trucks? A. I was not always watching the trucks, I could be on the farm and do my duty, the buildings were practically all on our farm.

Q. Which buildings? A. The Hydro buildings.

Q. They were on your farm? A. Yes.

Q. Is there anything more, Mr.Calvert, that you would like to say about the matter? A. No.

THE CHAIRMAN: Will you tell us, Mr. Acres, what the limitations of authority of the different police officers were?

MR. ACRES: I could not tell you that off hand.

Q. Were some supposed to be in one part and some in another part of the camp? Were the Provincial Police allowed in the camp?

MR. ACRES: Yes, the Provincial Police, as far as I remember, had the complete run of the job.

MR. POPE: They were entirely untrammelled in their instructions.

Q. What about the Stamford Police?

MR. POPE: The Chief of Police here was a Provincial Officer and had his staff and the Hon.Mr.Raney sent these special constables who were entirely untrammelled.

Q. Did the Hydro Police have jurisdiction within your camp?

MR. ACRES: Within our property limits.

Q. They would not have the right to go into these places in the woods?

MR. ACRES: No, sir, no right whatever, I am absolutely sure on that point.

MR. POPE: No, they had no jurisdiction outside our own camp.

MR. ACRES: Just what jurisdiction the Provincial Police had on our job I am not quite sure, but as far as our own police are concerned they had no jurisdiction off our property.

Q. Their authority ended within the limits of your camp?

A. Yes.

MR. POPE: The impression seems to be that this gentleman had a quantity of grog, I understood him to say he got five cases of grog, I would like to know whether he had any more at any time.

THE CHAIRMAN: Were you there?

MR. POPE: No, sir, I was not, I wish I had been, I would have taken a drink sure.

MR. CALVERT: The impression seems to be, maybe I have taken it wrong, but I took it that you insinuated that I had been selling or using that liquor in an unlawful way.

THE CHAIRMAN: No, I do not think anyone thinks you were selling it.

MR. CALVERT: I wish to make it plain it was not used in any way except the way I had a right to use it.

Q. Yours was a better quality than some of the liquor that Mr.Acres was talking about?

MR. CALVERT: I do not know that, I am sure.

Q. You did not charge anything for what you gave to people? A. No, sir, that is what I want to make clear. I was not selling this or using it in any way except for my own private home, I would be very sorry to have anybody think differently.

THE CHAIRMAN: I do not think that I said anything which would lead you to that conclusion.

MR. CALVERT: I kind of took it in that way.

THE CHAIRMAN: I think your place was a popular place and I think perhaps more popular because you did not charge anything.

MR. CALVERT: In the first place you don't dare charge anything if you are a law-abiding citizen.

THE CHAIRMAN: You would not be breaking the law if you gave it to your friends who were there at the time.

MR. CALVERT: I want that understood, I do not want you to think that I was using the liquor to make money or make friends, that is not so.

COMMISSIONER HANEY: It was more to hold friends than to make them?

MR.CALVERT: I do not think you would have to give a friend liquor to hold him.

TO COMMISSIONER J.A.ROSS:

Q. Did you at any time supplement that stock of five cases? You started off with 60 bottles of whiskey, I understand that is what you brought in before prohibition? A. I brought it in just before the door closed.

Q. You then had 60 bottles of Scotch whiskey, did you supplement that at any time or have you got some of it now? A. Very little.

Q. You and your friends are small consumers? A. Why,sure.

MR. POPE: He says he thinks they have had a little bit of fun out of the small lot of Scotch he had in.

THE CHAIRMAN: It seems to have lasted remarkably well. You never got any during all these

except 60 bottles? A. Not since the door closed, I did not say what I had before that and I do not know. I told you I got five cases in just as prohibition went into effect.

Q. You had some before that? A. Yes.

Q. What you had before was left at that time? A. Yes, some of it.

Q. What date was it the door closed? A. 17th September, I think, 1921.

TO COMMISSIONER J.A.ROSS:

Q. Did you bring any whiskey in in barrels? A. No.

TO MR. PIERDON:

Q. I would like to ask about these envelopes or cheques, were you paid by cheque or in cash? A. Yes, I have been paid by cheque.

Q. It seems to me that the pay-master in leaving Toronto would fill his envelopes and if he could not find Mr.Calvert he would take the money back to the office and Mr.Calvert did not come up there to get it and that is the reason he was paid out later.

THE CHAIRMAN: One cheque was returned to the Accounting Department.

MR. PIERDON: It would probably be taken back to Toronto and returned to the bank and then Mr.Calvert would be paid in cash, it would be paid later. We can trace that and find out.

THE CHAIRMAN: Mr.Calvert does not seem to have followed up these cheques very keenly.

COMMISSIONER HANEY: As a matter of fact he was

paid for all the time he was supposed to be on duty, either by cheque or by cash?

MR. CALVERT: Yes.

Q. If the cheque missed you the cash came?

MR. CALVERT: Sure.

WILLIAM BONN.

TO THE CHAIRMAN:

Q. Where do you live? A. Toronto.

Q. What is your occupation? A. I am a Civil Engineer.

Q. Did you at any time work over here on the Queenston-Chippawa Canal? A. Yes.

Q. Under what circumstances did you come here? A. I was at St.Johns, New Brunswick, and I had a wire to come up and take charge of a dredge on the Chippawa work for the Hydro Electric Power Commission and I came up.

Q. Who asked you to come up? A. The letter was from the former manager of the Canadian Stewart Company, the owners of the dredge before it was taken over. The dredge had just then changed hands to the Toronto Habbor Commission and was being rented to the Hydro Electric Power Commission.

Q. You came up? A. Yes.

Q. Where did you report? A. I reported to Mr. Sweeney who had wired me at Toronto.

Q. What instructions did you get? A. He showed me a copy of the provisional agreement which he had made between Mr. Cousins and Mr. Gaby.

Q. Was Mr.Counsins Engineer of the Toronto Harbor

Commission? A. Yes, E.L.Counsins, informing them of the measures he had taken to put the dredge in commission and get her ready as quickly as possible to go over on the Hydro Electric contract, that letter contained a list of the crew and so on and the rates they were to be paid.

Q. What did you do then? A. I was named as Superintendent of the dredge and I was to have charge of taking her over there and operating herx to the best advantage.

Q. What did you do? A. I took up the matter of taking the dredge across the lake. They had made certain arrangements which had to be changed slightly; they were going to, for instance, dismantle part of the dredge to take it across and I thought at the time we could get across without dismantling it, Mr.Fred Miller had made arrangements for the tugs to come over and take the dredge and at that time it was decided that they would send all the pontoons by cars, they thought it would be less risky in view of that late season. We then proceeded across the lake.

Q. What time of the year was it? A. I came to Toronto on the 1st of December and we sailed out of Toronto on the 4th December,1920.

Q. What course did you take? A. Our great objective was to get through the Welland Canal before it was finally closed for the season and we came to Port Dalhousie and up through the canal and down Lake Erie to Buffalo. We had considerable delay at Buffalo on account of the fact that we had foreign tugs and we could

not clear from one home port to another; that is from one Canadian port to another with American tugs, so we had to reclaar from Buffalo and go down the river into Chippawa Creek where we landed, I think, on the 10th December.

Q. That is pretty late in the year? A. Yes, we had considerable ice to break in the canal. Our difficulty in Toronto was getting tugs of sufficient capacity, as most of the contractors and towing men around there all owned wooden tugs and they did not feel like renting them for towing through the ice, the damage would be so great, so they brought two steel tugs over from Cleveland for the purpose.

Q. You arrived at Chippawa on the 10th? A. Yes, and the pontoons were taken down and locked through from Port Robinson; they came down the Welland River and met us at Chippawa. Fifty percent of them were there when we arrived and the other fifty percent arrived in the course of a few days.

Q. What date? A. 10th December.

Q. What were the pontoons used for? A. To connect the dredge with the shore line, they are 60 feet pipes floated on drums.

Q. What happened after you arrived at Chippawa?

A. We stood up in the river before the first bridge, it was a traffic bridge that was in front of us and we stood up there.

Q. That is the point you reached on the 10th December?

A. 10th December; I also met Mr.Angell and I had

instructions from him.

Q. Mr. Angell was Construction Superintendent? A. General Superintendent, as I understood.

Q. Of the canal? A. Of the canal as a whole.

TO COMMISSIONER J.A.ROSS:

Q. Were you responsible to the Toronto Harbor Commissioners from the time you left Toronto? A. No, my last instructions on leaving Toronto was that I was to take my instructions from Mr. Acres and when I got down on the work I think it was Mr. Angell told me I would be directly under his supervision and henceforth I was to take my instructions from him.

TO THE CHAIRMAN:

Q. What happened after you arrived? A. We proceeded to unload the shore pipe which had been transmitted across by train. We also arranged to lay the shore connection down to discharge in the Niagara River. We also had a little work to do on the dredge, which had not been accomplished on the way over. When I took the dredge she was in the state of being shut down for the season or being laid up and I had to get everything in shape for immediate operation. This work is usually done during the winter and we only had from the second day of December until the day that we actually started, 22nd of December, to do that work. There was also a considerable amount to be done on the shore discharges, that is the pipe had to be laid alongside of the creek to the Niagara River.

Q. Did you meet with any difficulties in going along the

river? A. Yes, almost immediately, the type of material was such that the dredge could not handle it successfully.

Q. What do you mean by the type of material? A. There were boulders and old timbers and I might say also old boats that had been sunk in the bed of the river at this place where we were situated.

Q. Where was that? A. Immediately in the Village of Chippawa, below the M.C.R. crossing.

Q. What obstruction did you meet with there? A. Boulders mostly.

Q. Would that prevent the tug progressing? A. The river was too shallow, it was only about eight feet deep and we required from 11 to 12 feet to navigate.

Q. Did Mr.Angell not know how much the draft of your tug was? A. I do not think Mr. Angell knew before we arrived, he may have.

Q. Might not these obstructions have been removed before you arrived? A. Yes, they could have been.

Q. Were you delayed there? A. It was an expense from the 22nd of December, that was the date the road bridge was diverted to allow us to go through until the 16th of January, at that particular place.

TO COMMISSIONER R.A.ROSS:

Q. Just removing the obstruction? A. First of all we operated for sometime, and we tried to go through it for sometime but made very little headway and finally the dipper dredge was taken from some place lower down and excavated a channel for us to pass through to Pell's Creek where the river was of sufficient depth

[illegible] Q. Did [illegible] the type of material [illegible] that the dredge could not handle it successfully.

Q. What do you mean by the type of material? A. There were boulders and old timbers and I might say also old logs that had been sunk in the bed of the river at the place where we were situated.

Q. [illegible] A. [illegible] Yiljoen [illegible] frame, below the N.C.R. crossing.

Q. What construction did you make of it there? A. [illegible]

[illegible] Q. Was it approximately the same proportionately? A. The [illegible] was so shallow, it was only about eight feet deep [illegible] required from 11 to 12 feet to navigate.

Did Mr. Angell not know how much the depth of water was? A. I do not think Mr. Angell knew before [illegible]

Q. Did not those instructions have reference to [illegible] A. Yes, they could have been.

Q. Was you injured there? A. I was on duty [illegible]

Q. What of December, that we, the [illegible] [illegible] was directed to allow us to go home [illegible] the 16th of January, at that particular place.

TO CONTRADICTION MR. [illegible]:

Q. Did revolver the [illegible]? A. [illegible] [illegible] connected for something, and we tried to go [illegible] [illegible] for something but made very little headway [illegible] finally the dagger dredge was [illegible] [illegible] lower down and generated a channel for [illegible] Q. Could [illegible] where the river was of a

and after that we went right up.

Q. When did you actually begin work? A. We actually started operations on the 22nd of December.

Q. That would be twelve days after your arrival? A. Yes.

Q. If these obstructions had been removed before you reached there you would have been able to operate earlier? A. We could have passed immediately up the River to Montrose.

Q. If it had not been for these obstructions you could have immediately passed up the river to Montrose and began your work at once? A. Within a very few days, perhaps two or three days.

Q. How long were you delayed owing to these obstructions being there? A. Mr. Chairman, I do not know whether it was the intention to actually dredge at Chippawa or not before we went over there. I think the idea was that we were to go to Montrose and start digging there; I know that only by hearsay, it was a surprise to me that we were to go to work at Chippawa. I did not know that before we started, in fact I did not know anything. I was in the position that I had just arrived from St.Johns and taking the dredge and the work required such intimate contact that I did not have any time to go over to Chippawa prior to taking the dredge over and when I arrived in Chippawa I was innocent of practically everything. I simply took my instructions from Mr.Angell and when he said, "You are going to dredge here" I started in right away.

Q. At Chippawa? A. Yes.

Q. How much dredging did you do there? A. I think we only did about 20,000 yards all told.

Q. Was that dredging done for the purpose of removing obstructions in your own way? A. Yes; in other words, it was to save the other dredge being brought up.

Q. Did you try to pass over some of these obstructions without dredging at all? A. No, sir, when there is only eight feet of water you naturally suppose you cannot pull a plant weighing 2,000 tons over it.

Q. Were there any piles there? A. There were some substructure piles but they were no detriment to the dredge, we could have handled the piles all right. It was boulders and large stuff in the bed of the river like old heavy timbers that had probably been rafted down there and old boats. There may have been crib work, old docks, for all I know.

Q. That is what you took out with your own dredge? A. We took out 20,000 yards and discharged them in the Niagara River.

Q. Did it or not delay your operation upon this dredging work that had to be done? A. It had the effect of causing delay at a later period.

Q. Why? A. Because it caused us to go into repairs that probably we should not have done if it had not been for the mauling we gave the dredge at that particular place. The fact that we only did 20,000 yards in that time can rightfully be called a delay.

Q. I do not know that 20,000 yards was much or little for your dredge to do? A. You might call it excessive wear.

Q. Describe the kind of work you did? A. On the first day we started we broke the cutter head.

Q. That is part of your dredge? A. The front portion of the dredge, that actually is supposed to cut the material previous to its being drawn into the suction pipe and discharge hydraulically.

Q. How was it you came to break that? A. Later we lost it; it was just simply on account of the type of material, the boulders were so heavy and the obstructions so great in the bed of the river, that it loosened it up.

Q. Is your dredge not supposed to remove boulders?

A. A dredge of that description can handle boulders up to about 12 inches, to 14 or 15 inches successfully, but the boulders that we got down there were such that we could not handle them.

Q. What size? A. We got boulders out of the cutter head 24 and 26 inches, that is larger than the discharge pipe and I have reason to believe there were boulders larger than that in the bed of the river that we did not raise; that is, there were boulders so big that the cutter would not receive them into the blade and therefore they never actually came to the surface.

Q. Is there more or less risk of injuring your machinery with boulders of that size? A. Operating that dredge for quite a few years, Mr. Chairman, we have never lost a cutter head or had a knife broken. The cutter head is made of manganese steel and of very heavy construction.

Q. Is your idea then that you should not have been required to do that kind of work with your dredge?

A. I think that shows in the correspondence. I wrote a letter to Mr.Angell explaining the position took in which I said that I thought sooner or later the conditions under which we were operating would ultimately cause us to embark on considerable repairs and would ultimately delay operations.

Q. Have you got that letter? A. I have it on file, I have a copy at the hotel.

Q. You wrote a letter which you will produce presently?

A. Yes, I think it is addressed to Mr. Angell and dated December 31st: " Dredge "Cyclone". The conditions being encountered by dredge Cyclone and the possiblity of these difficulties being still further increased in approaching and passing through the M.C.R. bridge abutments, lead me to the opinion that it is going to prove a very tedious and costly operation and may at any time result in some major breakdown.

"This morning breakages occurred on the main steam lines from boiler to engine owing to the excessive vibration set up by the main engine through pulling a vacuum on obstruction in the pipe and running away. We also lost part of the ring together with half of one blade of the new cutter recently installed. Efforts to find old cutter lost on the 23rd inst. have so far been without success although your diver has now completed his second search for it.

"These breakages, however, are of minor importance to what I had in mind; that is, I feel the conditions now being imposed on the dredge gengerally

may cause us sooner or later to embark on a program of extensive repairs. I would therefore respectfully like to repeat my former suggestion -" I think this is a little irrelevant; I made a suggestion in this letter that probably should not be brought in at this time, I simply made the suggestion that we dump the material into the river so as to form a dam raising the existing surface of the water about three feet.

Q. That was not done? A. No, that was just merely a suggestion on my part.

Q. What should have been done before you went there to prevent this delay on your part? A. I am not sufficiently versed to say what really occurred to bring about the taking over of the dredge Cyclone by the Hydro Commission, apparently they should have used the dipper dredge or some other type of dredge to dig the channel so as to allow the dredge to approach this material which we had samples of and which we thought we were actually going to dig.

TO COMMISSIONER HANEY:

Q. Before beginning the operation of your dredge on any piece of work, what is the general practice in testing the material that you are about to remove?

A. I would think that some man or authority conversant with that type of dredge should know.

Q. I am speaking of what you would do yourself?

A. I would naturally either take soundings or samples so as to find out what I had to handle.

Q. You would determine by soundings whether your dredge could go through it or not? A. Yes.

Q. If you could not go through it you would pave the way by some other means? A. Yes.

Q. So that the dredge would float through without serious interruptions or damage to the dredge? A. Yes.

Q. Do you know whether that was done in this case?

A. I could not say.

TO THE CHAIRMAN:

Q. You know the obstructions were not removed by the time you got there? A. No, the dipper dredge did go ahead of us, I think, on the 19th of January.

MR. GABY: Probably I can explain that situation, this matter was under discussion for some weeks before the dredge was taken over there, as far as the Commission was concerned, and it was only a day or so before that the decision of the Commission was made as to whether we would take that dredge or not.

Q. How long before was that decision made?

MR. GABY: Only a few days.

Q. A week or two weeks?

MR. GABY: I doubt where it was that long, it was under discussion for a week or two weeks, maybe; but the question as to whether we were going to use that dredge was only decided a few days before the instructions were issued to send the dredge on.

COMMISSIONER M.A.ROSS: Who was opposed to it?

A. It was a matter of judgment as to whether we should use it or not. It was a matter of expediency, there were several ways in which we could have taken out this earth, we could have put in other dredges of a large type or we could have put in this one.

Q. Did you have a dredge expert on your staff, was Mr. Angell a dredge expert? A. I should say, yes, he had been operating dredges on the canal for a year or more.

Q. Of the same type dredge as the Cyclone? A. No.

Q. I had the impression that Mr.Angell was a steam shovel man? A. As to suction pipe I do not know what experience he had, as to this obstruction in the river, my opinion is that this material was not known to be there. It was probably the foundation of a coffer dam or other things that had been put in there for bridge construction.

Q. Soundings were not taken? A. Soundings were not taken, but the material above would not show that soundings were taken as far as the river was concerned.

TO THE CHAIRMAN:

Q. If soundings had been taken would not it have shown these obstructions? A. It might show the cribs were there but I do not know that it would show that there were boulders there underlying the strata.

Q. Mr.Bohn says the dredge required 11 feet and there were only 8 feet there, soundings would have disclosed that? A. We knew that it was only 8 feet, and it was the purpose of that dredge to dig through that material, that was a matter of knowledge to the staff on the job and to the Commission. It was a short distance from that bridge to the point where the river had been excavated and we thought that material could be taken out in a short time. This apparently was an old bridge location that nobody knew anything about, it was underneath

the ordinary muck in the bottom of the river, the ordinary dipper dredge had worked up to that and we did not know that there was such material there, that is the information I have; of course details can be shown by men on the job.

COMMISSIONER J.A.ROSS: Mr.Angell was in charge of the job for you? A. Yes, general superintendent.

Q. When you finished the conference and the decision was made, was he in favor of bringing the dredge to do the work? A. Yes, I believe so, as far as Mr.Angell was concerned, he was brought over on a number of occasions to discuss this matter.

Q. Do you remember whether he was opposed to it right through or not? A. No, I do not think so.

MR. ACRES: Mr.Angell had nothing definite to do, his word was not final in the matter of getting that dredge. That dredge was brought on the work on the authority of two of the foremost dredgemen in America, Mr.Kerbaugh and Mr.Stewart, it was on their advise, they examined the dredge first and reported to us, they reported to me the dredge they thought would do the job and it was largely on their recommendation that we took the dredge.

COMMISSIONER J.A.ROSS: Did Mr.Angell concur in that? A. Yes.

COMMISSIONER R.A.ROSS: Would this dredge have been a success if it had not been for these stones? A. We knew the depth of the water every ten feet for four miles in the river and we knew, of course, that there were only eight feet at this point and that a dredge

drawing eleven feet would have to dig itself through. Our soundings showed no indication whatever of these nests of hard material, as far as we could make out, they were practically from bridge abutments and masonry.

Q. Were they all concentrated in one spot? A. They were all concentrated in the spot because farther on there was no indication of anything of the kind and they were all covered with dirt. We knew we were likely to locate timbers, but nobody told us we were likely to encounter masonry and concrete bridge abutments buried in this silt.

Q. There was not only stones? A. No; Mr. Bonn thought at the time he could dig it out.

MR. BONN: I just simply judged by the material on the bank of the river, that is all I had to go on.

MR. ACRES: And that is all we had to go on. These nests of hard material were not natural to the soil at all, they were entirely extraneous; they were put there by somebody.

Q. You had no information that they were there?

A. If we had I still think we would have taken a chance on trying to put the dredge through.

COMMISSIONER R.A.ROSS: You would not have had any trouble with the suction dredge with timbers or boulders?

MR. ACRES: No, this happened to be concrete or sunken logs that were too long to pass between the cutter blade and up through the pump.

THE CHAIRMAN: The decision to bring this dredge over was apparently arrived at about two weeks

before it got there.

MR. ACRES: I was ill in bed at the time.

MR. POPE: The minutes of the Commission will show that.

THE CHAIRMAN: It must have been arrived at before Mr.Bonn left New Brunswick. Whose business would it have been to see that the channel was ready for this dredge?

MR. ACRES: Do you mean so that the dredge could get up to this place?

Q. If you had put some other dredge at work you could have made a channel so that it could get through?

MR. ACRES: No, I do not know whether we could have done it in time, I hardly think so, there was 800 feet to go through. We might have got over the worst of it but there were two swing bridges there, the matter was well considered but it turned out we found these conditions were there and that made the operation of the suction dredge difficult.

Q. After the dredge had been set to work was it done under Mr. Angell's direction?

MR. ACRES: Yes.

Q. Is it not a fact that Mr. Angell was opposed to having the suction dredge brought over?

MR. ACRES: No, I do not know that he was.

TO COMMISSIONER HANEY:

Q. You were ill during the negotiations? A. Not in the early fall when the matter was suggested of taking it over there.

Q. Did you ever hear Mr.Angell express himself?

A. No, I cannot remember.

MR. GABY: I do not know that he did. I know that Mr. Kerbaugh and Mr. Stewart and Mr.Angell were present at a meeting of the Commission at which this matter was discussed but I do not know that he was there when the final decision was made.

Q. Did you ever hear him express his opposition to this dredge, the Cyclone, being taken over? A. No, I cannot recall any expression of opposition by Mr.Angell.

THE CHAIRMAN: Did you Mr. Bonn?

MR.BONN: I cannot say that I did directly.

Q. Did you in any way? A.When we arrived at Chippawa and when we were unsuccessful he seemed very peeved about not being able to get through this particular place with the dredge and he expressed himself pretty freely at times about the dredge not being able to dredge the rock; all he said was that if he had known anything about suction dredges he would not have put her in there, that is about the sum and substance of what he said. He said it under circumstances that were rather riley.

Q. He would be entitled to express himself? A. I do not think Mr.Angell realized just exactly how big the dredge was before she came over, he expressed himself as very much astonished.

Q. Did he not know the draft? A. He may have known the details, but just on looking at it.

MR. ACRES: It was a big piece of machinery;

when it got into that river it looked altogether different from what it did in Toronto Bay.

MR. BONN: He did not realize that we had to swing 110 feet to make a clearance for ourselves to get through the abutment of the bridge.

Q. What bridge? A. All of the bridges and a dipper dredge could work immediately ahead of itself and all they have to do is to dump the material into the scows but a dredge of this description it has to have a certain amount of leeway on either side to swing in order to make a clearance and I think that point he did not grasp at that time.

Q. He did not know that? A. There are various kinds of dredges, there are some built in the States with a ladder on the front of the dredge, that swings independent of the dredge itself and in that way it can form a clearance without actually swinging the hull and can work in a very confined spaced but this dredge had a fixed ladder.

Q. Mr. Angell was not familiar with this type of dredge? A. He was not familiar with the details of the dredge in that way.

Q. Where were the repairs made? A. We have a small machine shop on board where we did our light repairs, such as valves and valve stems and friction blocks and bolts and so on; major repairs were made at the machine shop.

MR. ACRES: There may be some misapprehension about the loss of that cutter, it was not lost.

MR. BONN: The first cutter was lost, the key shank sheared off probably due to a rock getting inside the cutter and revolving around and coming against the end of the key, the second matter was broken. We lost two cutters altogether down there, the first one was afterwards found but the second one was not.

TO COMMISSIONER J.A.ROSS:

Q. What were they worth each? A. The first one we lost would be worth new about $3,000 and the second one was one that I had brought down by motor from Toronto and probably would be worth about two-thirds of that, say $2,000.

Q. That is all the damage that was done to the dredge? A. No, we also had to do certain repairs on the way up the river to our engine which had been badly shaken up, we had to rebabbit the bearings and we also had to have some of the parts tightened up, it was simply excessive wear.

Q. What was the extent of the damage done before you got to work up the river? A. We have named it all now.

Q. What was the cost of it all? A. We ultimately recovered one cutter, I would say $3,000 or $4,000 would cover the loss.

MR. ACRES: Did that cover the overhauling of the engine? A. We overhauled the engine on the way over.

Q. Would you consider it in A1 condition? A. I would consider that engine in fair shape to do the work in Toronto, ultimately when we put a new crank shaft in, that was made at the machine shop, it lasted without any further

trouble throughout the season, so that you might say it was in fair shape.

Q. Was this damage charged up against the Hydro Commission?

MR. ACRES: It was charged up against the cost of the work.

MR. BONN: I was not in a position to know that.

THE CHAIRMAN: It was not paid by the Toronto Harbor Commission?

MR. GABY: No, we had to pay all maintenance on the dredge while it was in our possession.

TO COMMISSIONER J.A.ROSS:

Q. In addition there was the loss of time from this unforeseen contingency arising, have you made an estimate of how much time was lost because of the break down.

MR. GABY: I have, taking all towing charges into consideration and insurance charges, in bringing the dredge over and the complete rental, would amount to between $1,200 and $1,400 a day.

MR. ACRES: That is the type of material that we have been turning over to Mr.Francis.

COMMISSIONER HANEY: What was the capacity of this dredge, the Cyclone in loose material?

MR. BONN: We did as high as 480 yards an hour.

Q. You would not average that for the whole 24 hours?

A. No, for probably 70% of the actual available time.

Q. What would your average be for 24 hours?

A. Probably about 18 hours.

Q. Did you work for 24 hours? A. On a 24 hour schedule.

Q. What would be the average for 24 hours? A. About 18 hours actual working time out of that.

Q. At 480 yards? A. Yes.

TO THE CHAIRMAN:

Q. How much time did you lose through not being able to go up to Montrose and beging work? A. We lost from the 12th ofDecember, we started on the 22nd and ran until the 15th of January on this work, I am talking of the time we started at Chippawa.

Q. You arrived at Chippawa on the 10th December?

A. 10th December and we started operations at Montrose on the 28th of January.

Q. The delay was from the 10th of December to the 28th of January? A. Yes.

Q. Supposing you had been able to go straight up the river, when would you have been able to begin work?

A. Four days after arrival.

Q. That would be the 14th of December? A. Yes, providing all provisions had been made before hand and the shore line previously laid out, otherwise it would take us ten days because our shore line preparation would have taken that time.

Q. Might the shore lines have been laid out before your arrival by anyone who understood the working of your dredge? A. Yes.

TO COMMISSIONER HANEY:

Q. During that time you removed about 20,000 cubic yards of earth? A. Yes, about 20,000 cubic yards.

Q. You removed 20,000 yards of earth from the time you

arrived on the 12th of December? A. About 25,800.

Q. From what time? A. From the 22nd of December until the 15th of January.

MR. ACRES: There is an element comes in there, our other plant was otherwise engaged until the Cyclone finally got to work. It was not a question of when we were ready for the Cyclone to be put into work, it was a question of getting it over here before it got frozen up in the canal. The Cyclone arrived at Chippawa sometime before we were in a position to operation it to efficiency. If it had been at a proper time of the season in all probability we would have specified some day, possibly a month or six weeks later for the dredge to arrive at Chippawa, it was a matter of getting it through the canal so as to use it that winter, which made it necessary to have it there on the 10th of December.

TO COMMISSIONER HANEY:

Q. As a matter of fact you did not think soon enough?

A. We did not make the decision to bring the Cyclone over from Toronto in time to bring her over other than under the circumstances of great haste for climatic reasons. Of course the shore line could have been got ready, it was a matter of study, we could not decide off hand whether it was good business to dispose of the material by a suction dredge, ~~swing~~ in fact we had to get the approval of the Department to do that.

Q. You would not have got through the bridges on account of the swing of the Cyclone?

MR. ACRES: If the dredge ladders had been

long enough to project between the piers so that we could have edged her through and left here to swing, we might have done that, but we found the ladder was not longer enough for that.

Q. What was the draft of the dredge itself? A. Ten and a half feet and the cutter could go down as far as 55 feet, the dredge practically requires 11 feet of water to get through.

THE CHAIRMAN: You have our letter of the 29th of January asking you for a number of particulars and Mr. Wegenast tells us none of these have been furnished.

MR. ACRES: The man I commissioned to do that last week has been sick in bed with the flu and pneumonia, I am trying to get some of his assistants to do it.

THE CHAIRMAN: The copies of the monthly reports should be on hand? A. They are there and they are being taken out.

THE CHAIRMAN: Mr. Wegenast says he asked for this information verbally and then followed it up by writing a letter and we want the correspondence from the Harbour Commission.

MR. POPE: That is all on file.

THE CHAIRMAN: We asked to have it furnished to us and we have not got it yet.

MR. GABY: This is the first knowledge I have had of these things being asked for.

THE CHAIRMAN: The letter was sent direct to Mr. Acres.

MR. ACRES: I have not had time to take the

matter up.

THE CHAIRMAN: The letter is dated the 29th of January and the information was asked for verbally first.

MR. ACRES: That will take a long time to look up, it is simply a matter of looking up the old files and a lot of these files have been boxed up in the basement.

MR. GABY: These files have been moved once or twice from one office to another.

THE CHAIRMAN: I do not minimize the difficulty of getting all these things but we want you to help us as much as you can.

MR. ACRES: We have made an earnest effort, the men are working on it today and I can give you some of it tomorrow.

MR. GABY: I want Mr. Acres to point out that there was not really a delay as far as commencing the operations in the canal are concerned, we had to do certain preparatory work before that dredge could operate, we had to do the necessary diking for disposal purposes and during the interval it was thought that this dredge should cut its own way through the river section of 800 feet during a period it would have to wait anyhow, so that repairs could be done on it. The repairs were going on from the time it left Toronto until it started into operation on December 22nd in the Chippawa Creek.

COMMISSIONER HANEY: What was the total quantity that the dredge removed after getting to Montrose.

MR.BONN: In all I think it removed about 1,201 yards, according to the Hydro Engineer's reports.

Q. How many days were you working up there? A. I could not just say, from the 28th of January to the 4th of September.

MR. ACRES: I do not know whether these yards cover the yards in the temporary channel?

MR.BONN: No, it does not, 1,332,198 yards.

COMMISSIONER HANEY: What was the cost per cubic yard? A. I had no definite means of accurately finding out to a cent the cost per cubic yard, on my estimate there was, I think, 51¢ a cubic yard and I think it was a very fair estimate.

TO THE CHAIRMAN:

Q. In computing the cost per cubic yard did you include the cost subsequent to your departure from Toronto?

A. From the time I left Toronto until the time I got back, including all insurance charges.

TO COMMISSIONER J.A.ROSS:

Q. You say that was a fair estimate, do you mean from the standpoint of the work to be done there or in comparison with the work that had been done in Toronto Harbor? A. I had to allow for shop charges, such as machine shop charges against the dredging for necessary repairs and I had to allow a little liberally on that on account of the fact that I had not the exact figures.

Q. What was the cost of the dredge in Toronto Harbor per cubic yard? A. They were paying the Canadian Stewart Company, when I was operating for them, 19¾¢ a yard, and they were not losing money.

MR.GABY: That was very different material.

MR. BONN: Yes.

Q. That was sand, a different proposition altogether?

A. Very different material.

MR. GABY: They could take ten times as much in a day of that material as the material we were operating in at Montrose, it was clay.

COMMISSIONER HANEY: Hardly ten times.

MR. BONN: We operated faster.

MR. GABY: 48,000 yards in one day in silt in Toronto Harbor.

COMMISSIONER HANEY: Their maximum here was nearly 9,000 yards.

MR. GABY: They ran down as low as 2,000 until certain improvements had been made in the cutter. In using the same type of cutter it meant we could probably do only 2,000 or 3,000 yards in a day.

COMMISSIONER HANEY: We are speaking of the maximum efforts of the dredge.

COMMISSIONER J.A.ROSS: When you did finally arrive at the decision to bring this dredge over you acted very quickly? A. Yes.

Q. If you had not brought it over before navigation closed you would had to delay until the following spring and the loss would have been a great deal more than you actually experienced through putting the dredge through the difficulties that have been spoken of?

MR. GABY: Yes, and again we thought that this dredge would have sufficient time while we were getting the disposal area ready to cut its way up the river, so as to begin operations as soon as we were ready for it at Montrose.

TO THE CHAIRMAN:

Q. That plan was upset by this obstruction?

MR. GABY: Not necessarily, that time was being used up in preparation of this disposal area, there was no actual delay, we would have to find out as to when we were ready to start.

THE CHAIRMAN: If the dredge had been able to cut its way through that obstruction, if it had not been for these delays, it might have got through very quickly?

MR. GABY: Yes, but we would still have to wait until such time as we had the necessary diking done and the disposal area in such shape that we could go on with the operation and it would take us six weeks to get ready before the dredge could actually commence operations, in getting the dikes and overflow sections prepared.

Q. You would not have to have them all ready? A. No, but we would have to have sufficient ready to start operations and I think the estimate was six weeks to get ready to use the dredge in actual operation at Montrose.

Q. You seem to take a long time to get ready? A. I do not know how many acres one of these yards would cover, but we had to take the diking machine and prepare dikes to take this water and hold it back so as to allow it to drain off, and we had a considerable area.

COMMISSIONER HANEY: As a matter of fact you ran fast enough when you got started but you did not start soon enough.

MR. GABY: As far as running is concerned, that was imposed upon us by the closing of the canal, we would have taken more time to get the dredge over if it were not for that and we would have completed our operations

before the dredge got over.

Q. What time did Kerbaugh and Stewart report to you?

A. I should say in October or November, 1921; I do not know that they made any written report, they simply inspected.

MR. BONN: They came down and looked over the dredge very late in October.

MR. GABY: They reported to the Premier very late in October and it was reported it would take out a large quantity and they also knew of a dredge in Boston and it was suggested at a later time that we might use this dredge. There were certain negotiations to be carried on with the Harbor Board as to the taking over of this dredge. There were two transactions going on at the same time; in other words, the Harbor Board had to make its arrangement as to what it would pay for the dredge with the original construction company and relieve them of certain contracts which they had in hand; they had contracts which were made before the war.

MR. BONN: In 1913.

MR. GABY: At a low rate and they had certain adjustments to make in connection with these contracts and also in connection with the purchase of the dredge, these things had to be carried out after we had decided to go ahead and rent this dredge.

Q. When was that decision arrived at? A. I could not say, it must have been in November sometime, the minutes will show, I think Mr. Francise has that minute.

MR. FRANCIS: I cannot recall that I have them, for the moment.

MR. GABY: Representatives of Price, Waterhouse and Company have been going over the minutes.

COMMISSIONER HANEY: What was the object of taking the dredge over there?

MR. GARY: To have the canal open for operations at the end of 1921, September or October, 1921, otherwise it would have meant we would have gone over into 1922 before we would be able to operate and it was a matter of judgment as to the necessity for that and the market required that power at the time.

TO COMMISSIONER J.A.ROSS:

Q. What was the alternative to bringing the dredge over, was it a steam shovel proposition? A. A steam shovel proposition.

Q. Could the work possibly have been done by a steam shovel? A. Yes.

Q. What would be the cost of operation of a steam shovel in the same material? A. They are higher than the suction dredge.

Q. Would it be as high as 75¢ a yard ? A. Yes, they run higher than a suction dredge. We knew if we could get a suction dredge we would make a much better proposition and we did.

Q. At 50¢? A. Yes, after making certain improvements to the cutter we certainly got better results.

MR. GARY: That included a very high rental, we had to pay, and also the cost of taking the dredge over and insuring, it was very difficult to get it on account of the storms; the insurance premium was over $20,000, they had an and we could not help ourselves. The tugs charged a high rental because they felt it was an emergency proposition and we had to pay what traffic would demand. The insurance company was taking considerable risk in connection with it.

TO COMMISSIONER HANEY:

Q. When was it decided to have the plant in operation in September? A. It was on account of market conditions and it was decided during October and November, 1920.

THE CHAIRMAN: In making up the cost per cubic yard, Mr. Acres, did you take into account the cost to which you will be put in connection with the dredge from the time it left Toronto until you got it back there?

MR. ACRES: It all depends to what extent you carry the unit cost, I think the cost I gave Mr. Francis includes that.

THE CHAIRMAN: What have you to say about this disposal area and the time it would take to get it ready for you?

MR. BONN: That depends on when they started.

MR. GABY: The ditch was started on the upper work early in January. There was a diversion carried out in order to establish a drainage area at Montrose and that is a month after the dredge started from Toronto.

THE CHAIRMAN: You heard what Mr. Bonn says, this digging was not started until January.

MR. GABY: As I remember the details there were certain diversions that had to be made to take care of the water and certain studies had to be prepared as to what was the best thing to do. These things were going on continuously from the time the decision was made that we were going to use that dredge and it was done as rapidly as possible having in mind to get that dredge in operation at the earliest possible moment.

Q. From your knowledge of the disposal areas, how long

would it have been after the work began to get it ready for you to make a start?

MR. BONN: As far as the construction end of it is concerned, just the actual construction, leaving out the negotiations and the acquirement of the necessary land, I would say a couple of weeks would probably cover that end of it.

COMMISSIONER HANEY: As a matter of fact how long did it take after they got started? A. It took from the first of January to do the work, we started up on the 28th and the work was probably ready a couple of days before that, about the 26th, so that would be about three weeks actual work.

MR. ACRES: Of course you must remember we were doing a few other things at the same time, we could not concentrate our whole work on the Cyclone.

COMMISSIONER HANEY: It was pretty good work to get ready in three weeks, you did not start soon enough but you ran fast enough after you started.

THE CHAIRMAN: You decided to take the dredge over in October?

MR. GABY:No, November.

Q. I understood the decision of the Commission was arrived at at the end of October?

MR. GABY: No, it was in November, the matter was discussed and the recommendation came to by Messrs. Stewart and Kerbaugh in October, then the matter had to be thoroughly considered and we had to go into the question of where we could get a dredge, the minutes will show that exactly. We had two or three propositions as to dredges,;one, I think, was in Boston or Baltimore but we found we could not get anybody to undertake the

risk of bringing the dredge up the shore and down the St.Lawrence River. The next alternative was to discuss the matter with the Harbor Board and the contractors and they had to negotiate with the contractors and relieve them of the contract for eleven million yards that was still to be done. That was a matter of negotiation and I think they did that remarkably quick.

Q. Did Stewart and Herbaugh go down to Boston?

A. I believe they operated the dredge, they had contracts in that vicinity, Mr.Stewart and Mr.Herbaugh during the war were filling in certain areas and these dredges were used and he had knowledge of it.

TO COMMISSIONER R.A.ROSS: Supposing you had got this dredge in ample time, two weeks or a month, before, you would have paid rental for it during that time.

MR. GABY: Yes, sir.

Q. So that you escaped that?

MR. GABY: Yes, , I do not know how the rental charges were arrived at but it was a matter of negotiation.

COMMISSIONER J.A.ROSS: I do not suppose you wanted to start that dredge over until you got the insurance settled, was there some delay in placing that? A. There was delay there; there were a number of delays on account of having to take the matter up with the insurance company and they had to cable to the Old Country and there was considerable expense in connection with that. We did not place the insurance here.

Q. Consequently you had to negotiate over there?

A. Yes,

Q. That took about a week?

MR. GABY: Yes, and you must recognize that it was an unfavorable time of the year to take a dredge across the lake. We had considerable difficulty with the tug companies to get tugs that could handle this dredge at that period of the year. We had considerable negotiation with a towing company in Buffalo and this all had to be carried on as quickly as possible.

THE CHAIRMAN: That was all after you decided to take it over?

MR. GABY: Yes.

Q. Then it would seem that all preparations should have been made so that you could move it in proper time?

COMMISSIONER J.A.ROSS: I think their decision to take it over would be more or less contingent upon their ability to settle the item of insurance; the dredge was worth a million dollars? A. Yes.

Q. You would hardly undertake that liability? A. No.

MR. ACRES: There was an immense number of things hanging in the balance and one thing could not be done until another was cleared up.

COMMISSIONER J.A.ROSS: These all had to be cleared away before you had the decks cleared to make a move?

MR. POPE: The Cyclone was insured for a million dollars and the insurance had to be effected by cable, we could not insure it in this country.

COMMISSIONER J.A.ROSS: Was 50¢ a ~~fard~~ a fair price for the work done, having in mind the class of work done.

MR. BONN: A very fair price.

Q. You got value for the money you spent?

MR.BONN: I think they got value, better than they ever expected to get, or anybody expected to get.

THE CHAIRMAN: You had an agreement by which you could have brought over the dredge without any insurance.

MR. POPE: And take the risk of losing it.

MR. GABY: The agreement provided we had to insure.

THE CHAIRMAN: I think you had a supplementary agreement.

MR. POPE: We had to insure the dredge for a million dollars.

THE CHAIRMAN: Have you anything else to say as to these matters which have been taken up here and as to the preparations that were or should have been made?

MR. BONN: I do not think so.

Q. What is the working force on this dredge? A. We ran in Toronto about 89 to 90 men, about 90 men, we have three eight-hour shifts.

Q. Ninety men would make three shifts? A. Yes, three operating crews and two land forces, we worked on land on a ten and twelve hour day. One shift works ten hours and the other twelves and the other two hours are taken up in meal times.

Q. Have you a tug? A. We have a tug with two crews, night and day crew on it, in Toronto all the time, we could operate a little lighter here.

MR. ACRES: The maximum crew on that dredge was only 90 men during the hardest work you did.

MR. BONN: We did not have a tug here which saved ten men but I think we had ten men additional on our force on account of the difficulty with the

disposal area. We had more handling of pipe to do on the shore end than we usually had in Toronto and we had to increase that force somewhat.

MR. ACRES: I had no idea that we were operating with a crew that was any greater than was in Toronto Harbor because 90 was our maximum crew including all the shore force, we started with about 50 men at Chippawa at the bridge there and when we got into the full production at Montrose we had 90 men.

Q. Did Mr.Angell tell you of any plan he had for getting over the difficulties you have told us of with regard to the river? A. No, sir, all he said was that the work on which the dipper was engaged at that time was more essential than getting the dredge up the river and I simply pointed out that if we did not get up there soon we would not be able to get up there that winter on account of the season of the year.

Q. Where was the dipper dredge? A. Working on the intake at that time.

MR. ACRES: We had to revise our program to meet unforeseen conditions, I happened to be in bed at that time. I took ill the latter part of November and I did not report to work again until February.

COMMISSIONER HANEY: What was the plan for doing the work before you decided to bring over the Cyclone? A. Dry excavation, we figured that our railroad shovels could take that section after they pulled out of the cut in the rock section.

Q. Why did you alter that plan? A. We figured we could continue to make use of these small shovels in the excavation at Lundy's Lane and we would be able to remove them to take up the earth section and do the work in that way.

[illegible]

Q. Supposing you had not brought the Cyclone over would you have been able to complete the work within the time? A. No, I do not think we would have, I think it would have been impossible.

TO THE CHAIRMAN:

Q. You have heard the evidence given here this morning about the prevailance of booze on the job and bootlegging, did you have any experience of that?

MR. BOHN: When we started at Chippawa we had a little trouble from one or two men and we just simply eliminated them from the organization and an improvement was manifest right away.

Q. Did you make any observation of it generally upon the work going on at the canal? A. No, sir, it was one thing that was apparently very easy to procure.

Q. It was easy to procure? A. Apparently, but I do not think it affected the drodging to any extent whatever.

Q. What do you mean by being easy to procure? A. Before we took the measures and laid these men off that I have mentioned, they apparently could get all they wanted of it.

Q. And bring it on the dredge? A. They never brought it actually on the dredge, they brought it into the camp and there was only one means of handling it and that was to get rid of the men that brought it in and by that means it was practicaly eliminated to such an extent that we did away with it. We did not have any more than we would have had in Toronto after that.

TO COMMISSIONER HANEY:

Q. Which was plenty? A. I do not think it was actually whiskey they got, I think it was a hard type of cider, the effect is just the same.

Q. Was it effective? A. Yes, it was effective all right.

TO THE CHAIRMAN:

Q. What reason have you to think it was sold in the camp? A. I do not think it was sold in the camp; I do not believe it was sold in the camp, I think it was simply brought in in flasks or a pocket load and a few convivial souls got together and drank it up, I do not think it gained any further proportions than that.

Q. Have you anything to say about accommodation for yourself and your men? A. We had considerable trouble at Chippawa on account of the condition of the camp.

Q. What do you mean about the conditions in the camp? A. The camp was not clean, not by any means; I stayed there because I certainly had accommodation in the storehouse which we converted into an office next door, I stayed at the camp for the simple reason that I would not have been able to keep the men there if I had not.

Q. Why? A. Because the conditions were such that they would not stay.

Q. What conditions? A. The place was overrun with cock-roaches and beetles and other vermin.

Q. In the sleeping quarters? A. Yes, both in the dining room and kitchen and sleeping quarters. The men simply would not stand for it, that is all there was to it.

Q. Was there much dissatisfaction amongst the men? A. Yes, if accommodation could have been secured in Chippawa they would have gone, in fact all the men that could procure accommodation outside did so, some of them lived on the dredge during the time she was in operation down there, in preference to going to camp.

Q. Was there any other objectionable features in the camp except cock-roaches and insects? A. There was no

proper cook to prepare the meals , that was, however, remedied when I took it up with Mr. Angell, who had on my recommendation employed a cook we brought over on the dredge and he was paid by Mrs. Gaston who had charge of the camp and things were very much better after that.

Q. Were the sanitary conditions all right? A. Yes, I think so, as good as could be provided in those quarters.

Q. Who was in charge? A .I believe a Mrs. Gaston. her husband lived there and four or five men at that time.

MR. GABY: In other words this camp was carried on by outside parties who took contracts with the men for their board and lodging.

MR. BOWN: I believe so.

MR. GABY: And the camp was rented and as I understand that camp had been a foreign camp previous to that time and was only used temporarily during the period the dredge was down at Chippawa.

COMMISSIONER J.A.ROSS: Did Hydro exercise any supervision over that camp?

MR. GABY: We did to a certain extent, as far as the food is concerned we just have to investigate such things and try and get better conditions from the contractors.

Q. Have you anything to say about negotiations and conferences you had with Mr. Angell about the way in which you were to do the work and the amount of work and so on?

MR. BOWN: I do not think Mr. Angell ever dictated the way of doing any of the work, he said you have got to start there and dig a certain amount.

There was only one occasion and that was in that excess channel into the canal, he apparently had an idea that the dredge could take a very much narrower channel than she could to clear herself, and I took that matter up with him and we actually dug the channel as I suggested.

Q. Then you decided on the course of the work? A. He told me where to start and what depth to dig and so on, as time progressed Mr. Angel called around every morning between nine and ten o'clock, sometimes earlier and sometimes later, and I would simply give him a note of my probable yardage for the day and the delays and made any complaint I had to make at that time.

Q. Had Mr. Angell had much experience in work of this kind? A. He told me personally that he had not, I do not know whether he told me that for any reason or not but he told me he knew nothing about it, that was practically his words and he wanted me to co-operate in every way with him and to do the work efficiently, which I did to the best of my ability.

Q. In giving directions to you to the extent that he did did he ever make any mistakes? A. There was no occasion to make a mistake because the work was all very straight forward, the only place we had any exception, he allowed me to go through the excess channel because I told him we would have to take twice as much material as he figured on to get in and he told me he had based his figures on certain cross sections made up by the engineers and I talked this matter over with him and had a little cross section made showing the difference between the two. That is the difference in the width of cut in order to enable the dredge to swing. The upper one shows the minimum cut that could be made with the dredge operating with the spuds down, that is swinging from the rear end, a very

dangerous way of handling that particular machine. The upper one is the one in which the spuds would be used to take it through and the proper way.

Q. He wanted you to do it the way shown in the upper one? A. Yes.

Q. Had you any trouble getting through the Michigan Central Railway Bridge? A. We had delay there on account of some piles in the bottom of the river that had to be removed.

Q. If these had been removed ahead of time you would have had no difficulty in getting through? A. No.

Q. Tell me what passed between yourself and Mr.Angell in connection with that? A. We had passed up the river the day before.

Q. When was this? A. About the 16th of January or the 18th of January. We arrived at the bridge and I had the dredge all set ready and I had a heavy cable through to a point higher up the river so as to pull the dredge through. There was about four inches of ice formed in the river and that made it necessary to do that. On giving a signal the bridge was swung and the train stopped on the M.C.R. bridge and I proceeded to haul the dredge through and just on entering the abutment we came to a final stop and I hunted around for an explanation of what had stopped us and I found a pile sticking up in the water. Mr.Angell happened to come along and he was very anxious to get us through the bridge on account of the train service being held up and he asked me what the trouble was and I told him there was a pile there and he said,"One pile won't make any difference to that outfit, pull it over". So I told him that the strain taken on the cable at that time was

such that I was satisfied it was more than one and it was just questionable whether I would be able to pull half through and then get stuck. I had no cable out in the rear so as to be able to pull out again and in that case it might tie up traffic for a day or more. He then agreed that we should pull back and he got divers to cut off, I think, 19 piles in the bottom of the river of varying heights from the bottom. I had them all cut off 11 feet from the water and then we passed through the bridge without any accident at all in the matter of a minute.

Q. The channel had not been surveyed to determine the depth? A. After the piles were cut off we got an old piece of two inch pipe and swept the channel to make sure there was nothing there. I was afriad there might be some piles a little farther up the river but there were not any.

TO MR. GABY:

Q. How much did you cut off the piles? A. I think there were 19 piles, they varied in height, they had been used for the centre of the bridge when it was being built, there was one about two feet below the water and several six feet and some of them they just cut a few inches off.

Q. You were brought from St.Johns as an expert operator of this dredge, to handle the dredge for the Commission? A. Yes.

Q. You had full charge of the operations as far as the dredge was concerned? A. Yes.

Q. And the handling of the dredge? A. Yes.

Q. You had full charge of the shore men and the dredge men? A. Yes.

MR. ACRES: There was no misapprehension about

that cross section, we had a cross section that would answer our purpose but it had to be changed on account of the dredge.

MR. BONN: We had prearranged between us, he would ask me how much I thought I could make that day and I would naturally tell him. We worked right along under a certain mutual arrangement, I do not know how we started it but we worked that way almost throughout the whole time. I would tell him in advance what we would make each day and when I came to discuss these cross sections that came into consideration and it was a mutual arrangement between us and I would tell him how much we went ahead each day.

MR. ACRES: When you first started to operate there you found that the cutters as originally designed did not give the production the Harbor engineers thought they would? A. Yes.

Q. Mr. Wilson and Mr.Mitchell told me personally the best we could expect out of the machine was 4,000 yards a day? A. Yes.

Q. We got up to 6,000 yards a day? A. Yes.

TO COMMISSIONER HANEY:

Q. You practically worked 200 working days, you did not work Sundays? A. Yes.

Q. That would be 6,500 yards a day? A. Yes. The matter of the cutter was a matter that was discussed almost from the very day we arrived at Chippawa and Mr. Angell was always talking about the cutters, he had an idea a dredge could handle more, as far as our pump and discharge was concerned, if she could only get out into the pipe to start with and when we got into this cut I told him I thought we could put some teeth on the cutter. We were very much perturbed by the amount of drift that we were

forcing the dredge on the cut, the strain on the spuds was terrific, so much so that we put a cable ahead to relieve the strain on the spuds. He suggested putting some wings on in front. I was in favour of the roso cutter and the bucyrus cutter with fixed teeth. He had three blades put on the cutter at the machine shop and they were partially a success, but they were not strong enough to stand the strain. We then had five teeth put on each blade of the cutter. They were clamped on, it was a manganese steel cutter and we could not bore it. It was such an improvement that we took the other cutters back and put on ten teeth and I think we got as high as about 16 teeth on a cutter with a marked improvement each time, but that was the limit. We increased our yardage from 280 yards an hour to 489 with that one improvement at that time. The dredge got then to the other limit, we dug more than we could actually handle with the pump and we began to get oscillation in the discharge because material would pack at the end of the line and discharge at periods and set up vibration on the line.

Q. What percentage of solids did you get through that pipe? A. I do not think much more than 20% on any of our very high discharge material, some became locked at periods in the line with the water between.

Q. Did you use a booster at all? A. No, we did not use a booster, a booster was discussed at one time but I believe never used.

TO THE CHAIRMAN:

Q. I think it was suggested by Mr.Acres that there might have been a vertical cut? A. No.

MR. ACRES: Vertical sills.

MR. BOHN: We did not get in sideways, we could not, we simply allowed the material to assume its own breakage

or cleaverage.

COMMISSIONER HANEY: You would not put a slope on?

MR. ACRES: No.

THE CHAIRMAN: was there anything in connection with Mr.Angell's management which hindered or helped you in your work over here? A. I do not think so, Mr.Chairman, my relations were very nice mostely all the time, we had quite a few arguments about different things but I think that was merely coincident with the work.

Q. What about the norbum cutter? A. It was suggested to me by Mr.Angell one day thah an open-ended cutter would be better and I went so far as to take this matter up with the Canadian Stewart Company, the Atlantic Gulf and Pacific Company and various other concens and with men which I knew had experience in this type of work and they were all favorable to the norbum cutter.

Q. What is the norbum cutter? A. It is made up of a hub on which project spokes, the blades are fastened to the spokes near the front but they project beyond the spokes about a couple of feet and form what we call an open end. I simply reported my evidence to the Hydro Electric and was told later on they had placed an order for a norbum cutter which we tried out on the work unsuccessful.

MR. ACRES: Mr. Bonn does not know the history of that.

MR.BONN: I do not know what happened in the office or anything about the history of it. I was simply concerned with my own end of it, I was anxious not to get the cutter because I had heard unfavorable reports of it.

MR. ACRES: That came up earlier in the game before we found out what an ordinary type of cutter could

do with teeth and the question arose of different types of cutters, the norbum cutter and the bucyrus cutter, there was a question as to which was best. Mr. Stewart, as I recollect it was very partial to the norbum cutter.

Q. For working in clay? A. Yes, and he thought the norbum cutter would likely give better satisfaction and the result of the controversy was that we gave an order for one of each type, the bucyrus and the norbum. One of the main reasons we ordered the norbum cutter was the fact that they could make immediate delivery, the bucyrus cutter, although we got prices on it, they could not give it to us in time, otherwise we would have had one of each type of cutter on the job to experiment with and see which was best for the work. We were not in a position to compare the norbum cutter with the bucyrus. We got our own type of cutter which Mr. Angoll put at work in time successfuly so that it was not necessary for us to buy either but we had got the norbum cutter in time.

Q. Do you know anything about the cable-way, the way it worked before you came on? A. I just saw the cable-way working there and we passed under it up the river and I think we passed over it going down; outside of that I had no experience with the cable-way.

Q. How did it work? A. It was just an ordinary cable-way with a clam, I do not know how it worked.

Q. I mean as far as efficiency is concerned? A. I could not say.

Q. Have you had any experience with anything of that kind? A. I have had a little experience with cable-ways but they were on totally different work, they were handling stone from a quarry, I never saw one with a clam on it.

Q. Did you form any opinion as to whether this was properly

constructed and set up to do the work required?

A. I could not with any authority say anything about it.

Q. Did you know anything about its record before you come on? A. No. I know it was supposed to take the stuff right up to Montrose Bridge and that is all I was supposed to know about it, I understood it was doing it half across a section of the river for the dredge to proceed; although it was constructed for that purpose I suppose it was practically abandoned.

MR. ACRES: It burnt down.

Q. When was it burnt down?

MR. ACRES: Sometime in the early part of 1921, September, 1921.

Q. Did you have any difficulty about getting your supplies or repairs? A. No, we had a little delay on small repairs but nothing to seriously interfere with our work.

Q. Was that remedied? A. Yes, we took that up with the various departments and I think it worked all right I do not think we had any more than would occur on ordinary work of that kind.

Q. What was the total amount paid for the dredge?

A. That I cannot say.

MR. ACRES: We would pay them $250,000 and the rest was the cost of operation and maintaining and handling the dredge from the time it came there.

MR. POPE: They dispensed with their own dredge for the summer.

MR. GABY: I could not tell you the total amount $250,000 we paid direct, it will be in the records

of the Commission.

COMMISSIONER HANEY: $1,400 a day while it was operating would be $280,000 and the balance would be the cost of getting the dredge over and your unit price per yard would include all these expenses.

MR. BONN: Yes, I think we figured about $50,000 to cover insurance and towing and taking her there and back and covering all charges, that would be $300,000.

TO THE CHAIRMAN:

Q. You have a record of your daily work from the beginning to the end? A. Yes, we have these monthly reports and they are entered each day from the daily report from the dredge, divided into three eight-hour periods.

Q. Are they on record in the Hydro office? A. These are copies they gave me from tracings I made from them.

TO COMMISSIONER R.A.ROSS:

Q. We can get all that information from the Hydro office? A. I think so.

TO THE CHAIRMAN:

Q. You might let us have yours so that we can check them over? A. These are simply blue prints from the original copies and I held a copy on my file.

MR. ACRES: These have no definite relations to the engineers' estimates.

Q. Who ordered this norbum cutter.

MR. ACRES: I presume the Commission, it was on my recommendation.

Q. Was the matter taken up with Mr.Bonn to find out whether it would work or not? A. I do not know whether it was or not.

Q. Was it, Mr. Bonn?

MR. BONN: Only so far as Mr. Angell and I discussed it between us and I told him I was going to get this information and I got it and forwarded it to him.

Q. Your information showed that it would not operate successfully? A. It was an unfavorable report but they simply turned around and told him to wire and he got a reply that the cutter we had was better than the norbum and that was our experience with the cutter in Toronto Harbor, we had one there and it was unsuccessful there and we sent that to Virginia and it was unsuccessful there and there was only one conclusion to come to.

Q. Did you tell Mr. Angell that? A. Yes, it is on record.

Q. Notwithstanding that he went ahead and got a norbum cutter? A. I do not know whether they had my decision before they got it or not.

MR. ACRES: I think we knew that at the time it was ordered.

THE CHAIRMAN: What did it cost?

MR. ACRES: $450,000.

Q. How long was it used?

MR. ACRES: I do not think more than a half day.

MR. BONN: I think we used it about two days, we gave it a thorough trial.

Q. What was done with it?

MR. ACRES: I think it is still here, we wanted to see if we could not speed the dredge up.

TO COMMISSIONER R.A.ROSS:

Q. You might have bought some other cutter or developed a cutter of your own which as a matter of fact you did?

A. Yes.

Q. By doing that you increased the capacity of that dredge over twice? A. Yes, the norbum cutter was what you might call a well considered mistake, we did it to see that we were not overlooking anything to get the work out of that dredge.

THE CHAIRMAN: It seems to me it would have been well to have conferred with the man actually working on the dredge before ordering it.

MR. ACRES: We did, I knew what Mr.Bonn'said; what I said was I was not sure that I consulted Mr.Bonn before we ordered the cutter.

Q. Was Mr. Bonn asked to pay for it?

MR. ACRES: No.

Q. Was there any demand on you for that, Mr. Bonn?

MR. BONN: No, the only thing is Mr. Angell thought at the time and practically expressed himself very forcibely that I should have taken it over on the agreement they made with the Harbor Commission to accept all parts and spare parts bought for the dredge at invoice cost that had not been used, that was the only thing and I said, "Why, no, I would not stand for that.

Q; Did you accept it? A. No, sir.

COMMISSIONER J.A.ROSS: Mr.Angell was the steam shovel man and he never nothing about your dredge, having

that in mind, did he in your opinion, place any obstacle of any kind or any handicap at any time, in your way?

A. I would not say that he did that, nos, sir, he may not have taken my point of view.

Q. That was due to his lack of knowledge of your machine?

MR. ACRES: I would not say that by any means.

MR. BONN: I think anybody is going to have a difference of opinion on a job like that, they are bound to have. I have my opinion about how a thing ought to be handled and he has is, and it is just a question who has got the last say.

MR. ACRES: There are matters of handling the men and that has got nothing whatever to do with expert knowledge of the dredge. I think it is in respect of these matters that there was controversy, if any, between Mr. Angell and Mr. Bonn, as far as technical knowledge of working the dredge and expert knowledge of working the dredge, I don't think Mr. Bonn can point to any instance where Mr. Angell interfered with him, it was simply matters of organization, matters of general carrying on of the job, that there were differences, and there are bound to be differences.

COMMISSIONER HANEY: I suppose, as a matter of fact, Mr. Angell never had any experience in working this dredge?

MR. ACRES: No.

MR. BONN: I simply had his word for it, he said he did not know the first thing about it and I accepted that, he may have referred to that particular

machine.

COMMISSIONER J.A.ROSS: If I were a steam shovel man and somebody came along with something I knew nothing about, I would feel jealous about the cost of production of that new element. If my cost was 75¢ and I thought the other fellow was going to do it for around 50¢ or below,my price, I would feel jealous about it.

MR. ACRES: Mr. Angell was not that kind of a type, he was only too anxious to see that dirt came out as cheap and as far as it possibly could come.

MR. BONN: We had considerable discussion about coal, he would say"I do not see why you should get any better coal than the rest of the plant."

COMMISSIONER J.A.ROSS: Mr.Bonn has said that Mr. Angell showed no opposition.

MR. ACRES: Had you ever done any digging in clay before?

MR. BONN: We had a certain amount at Sunnyside, as a matter of fact, we did not do very much of it.

Q. Frankly it was more or less a new problem to you?

MR. BONN: Of course there was just the handling of the dredges as efficiently as possible and the matter of developing the cutter was a matter of evolution, we tried a wing and then we tried five teeth and we found the results a little better and simply multiplied it until we got what we thought was the maximum.

MR. ACRES: It was really a new job as far as you were conderned?

MR. BONN: The conditions were very unique.

In the first place we worked all winter, never did that before and it was a very serious matter in a great many ways. There were a lot of conditions came up that I had never tackled before in connection with handling pontoons in the ice and numerous other things; the dredge had not been constructed to run in the winter.

MR. GABY: We looked around to get the most expert operater we possibly could for that class of equipment and we sent a wire to St.Johns, through Mr. Sweeney. We discussed the matter as to where we could get the most expert man to handle material of that kind and that very dredge and we employed Mr.Bonn for that purpose as an expert handler of that equipment. Mr. Angell is General Superintendent of all operations, he is an expert on all kinds of equipment operating under him and Mr.Bonn was an expert on this particular piece of equipment. Any disputes they had, I guess, was a matter of organization and things of that kind and in order to get out more dirt he was anxious to get this canal dug. We were pushing everybody to get it done on a given schedule which we had set out to follow.

THE CHAIRMAN: Who was the expert he had under him accustomed to the kind of work Mr.Bonn was doing?

MR. GABY; Mr. Bonn, he was the expert on suction dredges and recommended to us by contractors with whom he had been employed previously.

Q. I thought he was in the employ of the Harbor Commission?

MR. GABY: No, he was in our employ during this period, we took over all the staff of the Harbor Commission and Mr. Bonn had the choosing of his own expert men which he had employed probably previously with him, the handling of the whole work was under his jurisddction.

MR. ACRES: Mr. Bonn had the standing of Divisional Superintendent on the work.

Q. Was he under you?

MR. ACRES: Only as far as I had direction of the work.

---Adjourned at 1 P.M. until 2 P.M.

NIAGARA FALLS, FEBRUARY 6th, 1923.

2:30 P. M. RESUMED.

THE CHAIRMAN: I understood you to say this morning, Mr. Gaby, that one reason for the abandonment of that cable line was the fire?

MR. GABY: That was the principal reason for the abandonment.

Q. When did that fire take place?

MR. GABY: In the fall of 1921.

Q. That was after the Cyclone got through?

MR. GABY: The Cyclone did not do anything in that locality, probably that was after the Cyclone got through; they had not been operating for some time.

Q. It was practically abandoned at that time? A. As far as operation is concerned.

Q. So that even if the fire had not taken place you would not be using it? A. I cannot say, it was a slow process.

Q. Where was the material taken out at Chippawa dumped?

MR. BONN: In the Niagara River.

Q. Was all that was taken out at the time you met with these obstructions dumped in the Niagara River?

A. Yes, I can only speak of the material taken out when I was there.

Q. The Niagara River was used as a dumping ground?

A. While I was there, yes.

Q. Is there anything that you would like to speak about that you have not touched upon? A. I do not think so.

Q. Did you have a strike at all while you were over there?

A. We had more than one, we had one when we were at Chippawa and one later on during the adjustment of wages, about the middle of the summer of 1921.

Q. What was the cause of the first strike? A. Well, I think it was absolutely the condition in which the men were living that precipitated the strike. They did not want to live in that particular camp, that was the whole question and they objected to pay eight dollars and some odd cents a week for food and the accommodation they were getting, I think it was chiefly among the firemen and oilers.

Q. Was that the camp you were speaking about this morning? A. Yes.

Q. How did you settle that? A. They received an increase.

Q. What was the cause of the second strike? A. It was the adjustment of wages on the whole canal.

Q. That was when the general strike took place on the canal? A. This was, I think, a year later, this was in 1921. I do not believe there was a strike at that time on the works, there was a strike, I believe, on the dredge but there was not a general strike. That strike was precipitated by the fact when the 10% reduction took effect, I made the 10% reduction retroactive on the pay these firemen and oilers were receiving at the time the dredge came to Chippawa and disregarded their question of strikes entirely and they thought I was unjust and that I was giving them more than the same percentage as the other men. I explained that to them and we came to a mutual agreement about one day later.

THE CHAIRMAN: We will very likely want to call you, Mr. Bonn, later in Toronto.

CAPT.ALBERT H. FOOTE.

TO THE CHAIRMAN:

Q. You were captain of the Cyclone? A. Yes, sir.

Q. You heard what Mr. Bonn said most of the time this morning? A. Yes.

Q. You heard what he said about the machinery and the affect it had and the work that had to be done in the Chippawa River in order to get up? A. Yes.

Q. What do you say about that? A. It is correct.

Q. Was the machinery seriously jarred? A. Considerably, with the rocks and obstructions, and the cutter head.

Q. Perhaps you would explain just what the injury was and the affect it had on the general working of the dredge?

A. Well, when these rocks got at the mouth of the suction they closed off everything to the pump, thereby causing the engine to run away, it would probably make 300 or 400 or 500 revolutions for probably a minute or two minutes, it is very hard on the machinery.

Q. Did you live in the camp that we have heard about?

A. One week.

Q. Why didn't you stay there? A. Conditions were not good.

Q. Why were not the conditions remedied if they were so bad? A. I could not tell you that.

Q. Did this continue to be the condition as long as you were there? A. The conditions at Montrose were much better than they were at Chippawa. I stayed in the camp at Montrose.

Q. Did you come - - in contact with any bootleggers there? A. Not personally.

Q. What were the conditions generally through the camp with regard to bootleggers? A. There was some liquor at Chippawa.

Q. Was there more down there than any parts? A. I believe our camp at Montrose was better with regard to liquor.

Q. Do you mean there was more? A. Less.

Q. How did it get there? A. I have not any idea.

Q. It got there all right? A. Apparently.

Q. Could it be bought pretty freely? A. I never bought any myself and I could not say.

Q. How would the men get it, did the people sell it there or did they have to go out and get it? A. I could not say to that either.

Q. What was the affect generally upon the efficiency of labour upon the canal? A. I could not say for the canal, for the dredge it did not make much difference, we had probably a couple of cases of men who got drunk and they were dismissed, I do not think it affected the dredge any.

Q. After that did you have any trouble? A. Practically none.

Q. Is there anything further that you would like to say?

A. No, not that I can think of.

Q. I think Mr. Bonn covered the ground pretty well, was there anything that he has not touched on that you think would have any bearing on our inquiry? A. I do not believe so.

MR. ACRES: There is a point that has not been sufficiently emphasized, that camp at Chippawa was purely an emergency camp, it was originally a foreigner's camp and the men were put there because there was no accommodation for them in the village and there was no other place to put them. I am quite willing to suppose that Capt Bonn is correct in saying what he did, we had no other place to put the men, we had better accommodation at Montrose because we had a place for them.

THE CHAIRMAN: How long was that camp continued at Chippawa?

MR. ACRES: There had been a camp there ever since the cable was started, that was in the fall of 1918, it was a fairly old camp.

Q. It was continued up to when? A. Off and on it has been used ever since, I do not think it is being occupied now.

Q. Of course you know the condition of the camp has something to do with the contentment of the men? A. Yes.

Q. If things were so bad that they had to eat cock-roaches?

MR. ACRES: It is no joke and we did not attempt to impose conditions like that on the men when it was not absolutely necessary but there was no other accommodation avaiable for these men, the village was too small for them to board privately.

Q. It is claimed that the men who waited on the table were very dirty? A. That might be.

MR. BONN: The only trouble that I had was that Mr.Angell felt that we had to take the mattresses from that camp up to the new camp and Mr.Angell and I had a sharp difference of opinion on that point and I eventually had my way.

MR. ACRES: That is merely an incident, apparently Mr.Bonn wanted to have new mattresses.

COMMISSIONER HANEY: What was your system of camp inspection?

MR. ACRES: We had men continuously employed on camp inspection.

Q. On sanitary and general conditions? A. Sanitary and general conditions, he was an highly qualified man and he reported to the doctors, he was under the control of the doctors and the only control the superintendent exercised over him was simply in the matter of co-ordinating his work. That man is still employed; he name is Neame, he had a staff of nearly 30 men.

Q. Would this man made a report of his inspection and

what conditions he found? A. He would and he may have reported the conditions of the camp.

Q. Was Dr.Gray called in? A. I believe Mr.Bonn called in Dr.Gray.

MR. BONN: I understood that Dr.Gray was the Provincial Officer of Health there and I called on him one time and asked him to look into the conditions of the camp and I believe I suggested to him at that time that the camp should be closed and fumigated or something like that. I did not put anything in writing. I believe it was just on an occasion I met Dr.Gray, I did not make a special visit but I took the matter up with him and Dr.Gray suggested a remedy for getting rid of the cockroaches, which was very unsuccessful, it was not successful enough at any rate to eliminate them.

Q. Did you ask Dr.Gray to have the camp closed?

A. I merely suggested that he should fumigate the camp but it was not done.

Q. Did he give any reasons for not doing it? A. No,sir.

WILLIAM TERRY.

TO THE CHAIRMAN:

Q. What is your position on this dredge? A. I was sent over by the Toronto Harbor Commissioners as Inspector.

Q. Inspector of the work it was doing over here? A. To look after the machinery and see that it was kept up in repair and that the dredge went back to Toronto in as good condition as they received it and I made a daily report to Toronto.

Q. Have you got copies of those reports you made?

A. No, I have not.

Q. You were then in the employ of the Commission here?

A. No.

Q. You were always employed by the Toronto Harbor Commission? A. Yes.

Q. I suppose Mr. Terry's salary would be paid by the Commission?

MR. POPE: No.

MR. TERRY: I got my pay from the Harbor Commission.

TO THE CHAIRMAN:

Q. You have heard what has been said about this celebrated camp at Chippawa? A. Yes.

Q. Were you ever in the camp? A. No, sir, I never lived there.

Q. Do you know anything about it? A. Not personally, just what I have heard.

Q. What did you hear? A. I heard the camp was in very bad condition and there was a lot of dissatisfaction amongst the men, I heard them complain from time to time, that is about all I can say.

Q. Did you hear your own men complain? A. Yes.

MR. ACRES: It is just hearsay on your part?

A. Yes.

Q. Did you live here continuously while the dredge was in operation? A. Yes, from December 6th.

Q. What about the bootlegging? A. I do not know anything about it.

Q. Did you hear anything about it? A. I cannot say that

I did, not personally.

Q. Was there anything that you specially brought out in your report to the Harbor Commission which had any bearing on the work? A. Well, I made out daily reports and reported the condition of the dredge and any breaks on it; I made a special report of that.

Q. Did you report these breaks we have heard about?

A. Yes.

MR. ACRES: Did you express to the Toronto Harbor Commission any opinion as to the trouble the dredge was in at Chippawa? A. I did to Mr. Nicholl, he is the Superintendent of construction at Toronto.

Q. Is there anything further? A. No, I do not know that there is.

Q. Did you make any report about the affect of this work at Chippawa on the engines? A. Yes, sir.

Q. What did you say about that? A. I reported how it was loosening up the connections of the engine and shaking the connections of the steam piping and loosening the shafts and the couplings on the main shaft runner.

Q. Was that all put in condition later? A. Yes, one shaft had to be taken out and replaced by another one.

Q. That was done at the expense of the Hydro Commission?

A. I presume so.

Q. What was the total expense? A. I could not say.

MR. ACRES: Didn't Mr. Bonn say the total expense was about $3,000?

ARTHUR THOS. PAXTON.

TO THE CHAIRMAN:

Q. What is your position? A. Staff Inspector of the Ontario Provincial Police.

Q. For a certain district? A. For the whole of the Province of Ontario.

Q. What was the first you had to do with Niagara and the Quenston-Chippawa Canal? A. In 1921 as constable when I was rather a free lance around the Niagara District I used to make occasional visits to the Hydro Canal and to the detachments here at Niagara Falls.

Q. That is the detachment of the Ontario Police at Niagara Falls? A. Yes.

Q. Were you attached to the Niagara Falls Police at that time? A. No, I was in Toronto.

Q. What were you doing over here, were you sent from Toronto? A. Yes.

Q. Q. When you were over in this direction you took some notice of conditions on the canal? A. Yes.

Q. When was the first? A. 1921.

Q. What time in 1921? A. In the spring.

Q. What did you do here at that time? A. I conducted raids in different parts around Niagara district here and along the canal and sometimes visted the different camps.

Q. How did you find conditions along the canal?

A. We made several arrests for different offences.

Q. There were some offences committed? A. At times, with reference to the Ontario Temperance Act and sometimes

petty gambling and gambling on the Lord's Day and such things as that.

Q. Was there any bootlegging going on over here? A. Well, we confiscated liquors at different times, the actual amount I do not remember. In the different camps, I think at times we got small quantities of alcohol; sometimes there would be genuine liquor.

Q. What do you mean by that? A. Whiskey and Brandy.

Q. Other times what would there be? A. Alcohol mostly, I suppose that was on account of the foreign element prefering alcohol to the genuine brands of liquor.

MR. ACRES: It was always a mystery as to where that alcohol came from.

MR. PAXTON: We got several loads at different times around outside the camp, automobile loads, the last load I got I think had 50 gallons on it.

Q. Where did that come from? A. I imagine from the United States, as the alcohol was in American cans and I got in leaving Chippawa.

Q. What affect did the use of that liquor have on the conditions in the camp, you have heard this morning that there was drunkenness and fighting going on, caused by the use of liquor? A. I suppose there was some of that, there was only one occasion that I actually got into a fracas on Hydro property and that was when some Russians or Poles had been drinking alcohol. I understand our men from the detachment here under Inspector Mains had numerous calls to the Hydro property; Inspector Mains was in charge of a detachment here at that time.

Q. He had numerous calls? A. I think his men had.

Q. Speaking from your knowledge of the matter how did you find conditions there among the foreigners? A. There was a certain amount of gambling and drinking, considerable I should say; I think on one Sunday we arrested around 30.

Q. Where would that be, in different places? A. Different camps.

Q. What did you arrest them for? A. I think most of them for gambling on Sunday.

Q. We are talking about bootlegging? A. There was some of them taken for being in possession of alcohol illegally. How the alcohol came there I do not know; I suppose it was drawn in but we were never able to directly attach it to any person on the property. There were bootleggers on the outside who were frequently found around the property.

TO COMMISSIONER HANEY:

Q. Did you make any arrests of actual bootleggers?

A. Yes, whenever possible.

Q. You arrested and convicted them? A. Yes.

Q. Sent them to prison? A. I do not remember what percentage of them were sent down.

Q. Where were they tried? A. Here at Niagara Falls.

Q. One would think that if you arrested them and had them fined they might get tired of it, some of them seem to have been very persistent? A. Yes, they took a sporting chance, there has been a good deal of money made in that business.

Q. How would the liquor get into the camp usually?

A. Smuggled in, of course.

Q. This brought in by peope and sold to them inside?

A. That I really could not say. There were different places where we understood bootleggers had broken into the camp. For instance, down by the Larkin Property through the orchard they were supposed to have a trail through there.

MR. ACRES: That was one reason why we put Mr. Paxton in there, we were never able to apprehend any person and we devoted many a night to that work but we could never get that going in; at least, I could not.

Q. Did they come in by airoplane? A. No, I do not think so.

Q. How was it, if so much was going in, you did not manage to get hold of some of the people who were carrying it in. We were told just now that the Attorney-General was notified of this and he was asked to send over a special squad, did you send men over there? A. Yes.

Q. We were told of one place outside the limits of the Hydro that Mr. Acre says was the centre of badness of all kinds and that was allowed to continue?

A. Where was that place?

MR. ACRES: The first week you came there how many arrests did you made, you made a pretty good clean up.

MR. POPE: This is the gentlemen the Attorney-General sent over that I spoke of.

MR. PAXTON: I had been over here several times.

TO THE CHAIRMAN:

Q. Some one was sent over with a special force to clean

the place up? A. I was, that was in the summer of 1921.

MR. ACRES: The first week you were here you made a number of arrests, how many? A. I really don't remember, that is the time there were so many loafing around in the camps.

MR. ACRES: As I recollect, you made 25 arrests in three or four days.

MR. POPE: You had 25 before the Magistrate one Monday.

THE WITNESS: There were a great many who came across from from the United States for gambling purposes and these people were taken care of through the Immigration Authorities at the Bridge and shot across.

Q. How many did you run out of town? A. There were about five automobile loads one afternoon, on one pay day.

Q. Stick to the bootlegging, what did you do with reference to that, they seem to have got liquor on the Morrison property? A. Where the stores there, there was a hive there.

Q. It seems to have gone on notwithstanding the Provincial Police?

MR. ACRES: No, they cleaned that up.

MR. PAXTON: I do not think there was very much after I got here; the Hydro had their own police.

MR. GABY: We tried for a long time to get rid of it and when this inspector came over he was able to take care of it.

TO THE CHAIRMAN:

Q. You did not succeed in getting the men who were bringing the liquor to the neighborhood? A. There were numerous

but just who they were and the specific evidence, I do not remember, the records of the Magistrate here would show that.

Q. We were told this morning that there was liquor by truck load and automobile load? A. We would have been very glad to have met them.

Q. Why didn't you meet them? A. I suppose we were not lucky enough or the parties were too clever for us.

Q. Mr. Calvert said load after load came to his place and he turned them back without examination, he said he did not examine them? A. He might have had the decency to notify us and we would have handled it.

Q. He says he saw it? A. I very much doubt that.

COMMISSIONER HANEY: He did not sample it.

THE CHAIRMAN: He said he was there to stop bottles coming in.

Q. Didn't you do some truck driving yourself, didn't you take a load of bottles in? A. No.

Q. Are you sure? A. Perfectly, I think possibly what you are referring to is this: I concocted all sorts of schemes to endeavour to get the bootleggers and to draw them out and it worked very satisfactorily. On one occasion another officer and myself took our car and loaded it with boxes with the idea that we would get some bootleggers and we drove that car around the Hydro property all night and nobody ever paid any attention to it.

Q. That shows the Hydro police could not have been very alert to let a car drive around all night loaded with bottles? A. We had no bottles, we simply had

empty boxes; possibly they were strong of sight and could see what we had.

Q. Do you think they showed very much vigilance when you were allowed to go in with a truck load and drive around there and nobody say anything about it? A. They were conditions in which one would suspect whether they had competent police officers, that should not exist.

Q. Anyone else might have gone around with a truck load filled with bottles of liquor and have the same experience that you had? A. Quite so.

TO COMMISSIONER R.A.ROSS:

Q. Did you give the inside policemen a tip that you were going around? A. No, did not give anybody any tip. There was only one interesting point we had that night, when we got to the property Mr.Acres referred to, I suppose there must have been 40 or 50 foreigners surrounded our car, they thought we had booze and I suppose would have been willing to buy if we had it.

Q. Was there anyone there to prevent your selling it?

A. No.

Q. This bootlegging had been going on for long before 1921, how was it you were not over here before? A. We had a detachment here I was only a constable at that time and I suppose the Department thought the men here were capable of handling the situation.

TO THE CHAIRMAN:

Q. From what you learned when you came over,did you think the situation was being handled properly? A. I did

not think there was sufficient men here; there were only five men under Inspector Mains and there was a great deal of work to be done because there were so many of the laboring classes here, specially foreigners.

Q. The Morrison place seems to have been perfectly open for a long time before you came over and no one interfered with it? A. I know not what activities the County Police took, our men were certainly working here, they were called out all hours of the day and night.

TO COMMISSIONER HANEY:

Q. Did the Hydro have its own policemen? A. Yes, I do not know how many, but quite a strong force, I believe about 25.

Q. Were they Provincial Police? A. I believe some of them were on the Provincial Police force, I am not sure about that, they would have authority to work any place, outside the property as well as on the Hydro property.

Q. This Morrison place was a notorious place and these policemen were inside the Hydro grounds all the time with full authority to go out there and stop it. Why didn't they do it. You came over here and you make 25 arrests in one day but this had gone on for a long time before you came over and there were Provincial officers on the ground all the time? A. Not on the ground all the time.

Q. They were in the Hydro employ all that time with full powers as Provincial officers? A. They had nothing whatever to do with us, they were employed by the Hydro Commission; paid by them and absolutely under their

jurisdiction.

Q. The Morrison place was within their jurisdiction?

MR. POPE: No.

THE CHAIRMAN: You said just now they were Provincial officers.

MR. POPE: Some of them, but the Morrision place was not on our property.

Q. They had full power to go to the Morrison place and close it up?

MR. ACRES: Were not these men employed after Inspector Paxton's visit?

MR. PAXTON: No, I was sent over here during the re-organization under General Elliott, my first visit over here was under Superintendent Rogers at that time I remember that these men were sent over here by Superintendent Rogers; he bought them uniforms and I think he arranged for the making of the uniforms.

Q. They had the power of the Provincial Police?

A. I do not know.

Q. Railway police have these powers? A. Yes, some of them have.

MR. GABY: Most of these men were pay roll men to protect the men getting paid.

THE CHAIRMAN: They might just as well have gone out and arrested these men.

MR. GABY: There were just four men and they were under the Pay-roll Department, they were not operating under the general Construction Department.

COMMISSIONER HANEY: Why were not they?

MR. GABY: They came under the Accounting Department for the protection of the pay roll car.

Q. Why didn't you have the men sworn in as Provincial constables?

MR. POPE: We had thirty men of our own and then this Provincial force came in.

Q. Why didn't they all have the power of a Provincial constable?

MR. POPE: They didn't have that power, that is all I can say.

COMMISSIONER HANEY: Would not it be the duty of the management to see that they had authority to properly administer discipline?

MR. POPE: We were only protecting our own property.

COMMISSIONER HANEY: You were protecting your discipline and the management and I will express the opinion here that it was very lax on your part not to have these men properly qualified.

MR. ACRES: Where would our authority extend to if we had authority beyond our properly lines?

COMMISSIONER HANEY: Any part of the Province.

MR. ACRES: I do not agree with you there at all.

COMMISSIONER HANEY: I don't matter whether you agree or not.

MR. ACRES: That was something for the police force of this country.

THE CHAIRMAN: Your organization was being affected.

MR. ACRES: Yes, it was a plague.

THE CHAIRMAN: That Morrison place was a plague spot just across from you and you had four men whom you could have sent over there at once and stopped that sort of thing.

MR. POPE: These four men were under the Chief of Police here, Mr. Mains.

MR. GABY: They were directed by Mr. Mains.

THE CHAIRMAN: They were on your pay roll, if I had a number of men working for me and they were being demoralized and if I had men who could stop it I would soon do it and if I had not the men to stop it I would report the matter to the Provincial Police.

MR. POPE: That is exactly what we did.

THE CHAIRMAN: You kept on for months before you did anything.

MR. GABY: I would like to explain this situation fully. We notified the Provincial Police, Mr. Mains, from time to time what was happening and we kept on continually notifying him and then we took the matter up with Superintendent Rogers a number of times and with the Attorney-General a number of times.

THE CHAIRMAN: Did you tell the Attorney-General about these conditions?

MR. GABY: Yes, and these four men were put on towards the end of the job as Mr. Pope says they were not on our job, our job was to protect our pay roll. These other men were under Superintendent Mains and they were working outside the property. The inside men were for the protection of the pay roll and

to see that things in the camp were satisfactory.

MR. ACRES: They were really watchmen with the powers of a constable.

THE CHAIRMAN: I am not at all convinced that these four men who had Provincial power were not sufficient to close up these places.

MR. GABY: I think it was part of the understanding that they should be under the direction of the Provincial Police here.

MR. POPE: They were under the control of the Provincial Chief at this point.

THE CHAIRMAN: I would not have had so much red tape about that, I would have cleaned it up.

MR. POPE: You will have to complain to the Attorney-General about that.

THE CHAIRMAN: I will not complain, I will report it.

CHIEF MAINS.

TO THE CHAIRMAN:

Q. You have heard that you allowed these conditions to continue and we want to hear what you have to say about it? A. I never knew anything about it at all.

Q. They say it was reported to you time and again?

A. I never got any such report that these things were going on.

Q. Had these men who had Provincial power the right to go in there? A. Yes, they could close it up.

Q. And they could make arrests? A. How can they make arrests unless they had some evidence?

Q. They could have got evidence? A. They were in uniform, they could not get much evidence.

Q. The men were going over there in great numbers?

A. These men had uniforms on and they could not go into boarding houses and get evidence.

Q. Surely they would not go there in uniforms?

A. They were paid by the Hydro people. I never remember getting any report about that place from the Hydro.

Q. Was not it a notorious place? A. Not that I know of.

Q. You did not know anything about it? A. No.

Q. How was it everybody else knew about it? A. I cannot tell you.

Q. The men there knew about it? A. I do not know, I never had any report of that being a notorious place.

Q. Were you ever there? A. Yes, I have been there dozens of times, hundreds of times, it is nothing but a boarding house, that is all, and you have to get evidence before you can convict.

Q. One man goes there and makes 25 arrests in one day?

A. Not in that place, Mr. Chairman, this Hydro canal was 12 or 14 miles long.

THE CHAIRMAN: Didn't you make some arrests there Mr. Paxton?

MR. PAXTON: Not right in the store; I believe you are referring to the stores outside the gate. We never made 25 arrests in that place, the 25 arrests would cover different parts of the property, we might get two in one boarding house.

Q. We have been told you closed that place out and put it out of business? A. We put several places out of

business.

Q. How do you account for it going on to the extent it did before you came here and Chief Mains not knowing anything about it and then you come over and make 25 arrests in one day.

CHIEF MAINS: I only had four men.

Q. Did you know there was a lot of bootlegging going on? A. I knew there was some drinking going on, it came in there by night.

Q. Did you report conditions to headquarters?

A. I reported conditions just as I found them.

Q. Did you report that you had not a sufficient number of men to stop it? A. No.

Q. Here was a great public work going on and the efficiency of the men being impaired by this sort of thing, why didn't you report that? A. I didn't because I did not see that the efficiency of the men was impaired by anything of that kind. Of course I knew liquor was going in and we did everything we could to prevent bootlegging, we could not do any more than we did.

TO COMMISSIONER J.A.ROSS:

Q. What did you do? A. We watched and had many, many cases before the Magistrate, we prosecuted every person that we found violating the law.

THE CHAIRMAN: Is there anything more that you would like to say about it? A. No.

Q. How long did you continue over here, Inspector Paxton?

INSPECTOR PAXTON: September,1921, I was taken to Toronto.

Q. Had you been on other public workd in this country?

A. Yes, on railroad construction.

Q. How were conditions here with respect to bootlegging, compared with what they were in other places? A. Of course at the time I was on railroad construction there was not such thing as the Ontario Temperance Act and the bars were open and that sort of thing.

Q. How did the use of liquor on this work compare with its use on other public works? A. I think there was more here than I have seen in any place else.

Q. More here than you have seen any place else?

A. I think so.

CHIEF MAINS: During the construction of this work there were between 3,000 and 4,000 foreigners employed of all kinds from all different countries and there was not but one serious crime committed during the construction of that work and that was where a man was convicted and sent to the penitentiary for five years.

Q. There is no wonder there was only one conviction when it seems so little attention was paid to the matter?

A. I do not agree with you on that, we paid all the attention to it that was possible.

Q. You say you had four men and you did not know anything about this place down there? A. I did not know that it was as bad as represented here. I have been in the place many times and I never saw anything going on when I was there; of course it would not be going on when I was there.

MR. ACRES: There was only that one serious crime committed on the job, that was a stabbing affray.

COMMISSIONER HANEY: Providence must have had supervision over the camps.

CHIEF MAINS: Our men were not asleep all the time as it would seem they were. When Inspector Paxton made that joy ride, what gate did he go in?

INSPECTOR PAXTON: Right opposite the whirlpool

MR. GABY: Did you have a pass?

INSPECTOR PAXTON: No, it would be around nine o'clock, there were dozens and dozens of people around the gate and around these stores, just as many as there was on any fine night.

Q. Would they recognize you? A. I do not think it, I had glasses on and I had the car all camoflaughed, the lights were changed, the curtains changed and the license plates changed.

COMMISSIONER HANEY: You looked like a bootlegger? A. I tried to act the part.

Mr. ACRES: We changed the watchmen right after that because I was spoken to about it at the Clifton Hotel, our watchmen were not beyond corruption and we had quite a lot of trouble, the watchman was there when Inspector Paxton made that trip.

Q. Were there any accidents due to drunkenness?

MR. ACRES: Not that I remember, I suppose there were bruises and black eyes but I do not think there was any serious accident chargeable to liquor in any way, the stabbing affray was a gambling fight.

Q. Was a man named Rogers killed? A. Yes, on the boulevard.

MR. ACRES: I was trying to look up some of

the records of that and I am told that the inquest report was that there was no drunkenness at all in that accident.

Q. Was liquor being carried in his car? A. No, my recollection of it was that Rogers was sent to Niagara Falls to look up a man there that had been arrested in Buffalo, one of our men on the job.

Q. Why didn't you call in the Dominion Police?

MR. POPE: We did, but we could not get them.

Q. Are you sure you could not get them?

MR. POPE: Yes, absolutely, I had severaly interviews with the Attorney-General.

THE CHAIRMAN: He has nothing to do with the Dominion Police.

MR. POPE: Pardon me, you are entirely wrong, I went to him and he telegraphed to Ottawa;first of all, I applied for the mounted police, I mean the North-West Mounted Police in uniform, to come in on this work and whatever number were required would be paid for; I got an answer back to say they could not give us these policemen except they were on direct duty for the Ontario Government, I then went up to Mr.Raney and he took it up and telegraphed to Ottawa. I told him I was advised the territory was so long and covered so much ground it could not be covered by men on foot and he telegraphed to Ottawa and got permission to have a squad of mounted police upon call from himself. In addition to that I suggested that he should give us a squad of his own Provincial Police under a special man who was not known over here. Then he called me up and Col.Elliott

got Mr.Paxton to come in.

Q. Were they mounted? A. No, I told Inspector Paxton what I knew about cars coming across the river, I got this information from some men and I gave that to Mr.Paxton and he did most excellent work and I shall be very sorry indeed if any reflection is placed upon his duties over here because he did good work.

THE CHAIRMAN: The trouble is he did not come soon enough, he did not come until the tail end of the work.

MR. POPE: No, he came right in the middle of the trouble, not at the tail end, the tail wagged a long time after he got here.

Q. But not as vigorous?

MR. POPE: No, because he kept cutting it off piece by pice, but started in in the fall of 1921.

INSPECTOR PAXTON: About mid summer.

MR. POPE: It was the end of June or July, I think the first Monday following pay day, which was on Friday, I had a report from over here that Mr.Paxton had 25 people before Magistrate Fraser and good results followed from that.

INSPECTOR PAXTON: What assisted us greatly was the fact that we had two autombbiles. I had a car of my own and I called in a man from Bridgeburg who also had a high powered car and that assisted us considerable and was an advantage over Inspector Mains and his men because they had to walk.

Q. The Dominion Police never came on? A. No, sir.

Q. This would seem to be the proper place for them, right on the frontier.

MR. POPE: I was so advised and the best information we could get was that the liquor came from across the river, what class of liquor it was I do not know, it was brought up to the outskirts of the work in automobiles and the numbers were off these automobiles and there was no way of tracing them.

MR. PAXTON: The Dominion Police had a detachment of men here at that time of three or four.

INSPECTOR MAINS: Three men.

MR. POPE: They came for Dominion purposes but not for us.

THE CHAIRMAN: Dominion purposes would be the importing of liquor.

MR. POPE: I do not know how far they went.

THE CHAIRMAN: I have heard of instances where Dominion Police have been sent on large public works when they have been asked for.

MR. ACRES: Was not that for riot duty?

MR. POPE: I tried in Toronto to secure a mounted police force and I was told they could not come except for Dominion purposes.

MR. ACRES: The Sergeant in charge of the detachment told me he could not make an arrest on our works.

MR. POPE: When I appealed to the Attorney-General through his assistance we got relief.

THE CHAIRMAN: When was the night shift abolished?

MR. ACRES: That began to be abolished about the middle of July, 1921.

Q. Why were they abolished? A. Because we had three months reprieve.

Q. Was this drunkenness more prevailent on the night shifts than the day shifts? A. It was practically all on the night shift.

Q INSPECTOR PAXTON: There was wonderful facilities for taking stuff in there, we might have an army of police and yet they would be able to carry it in in bottles

Q. If you had got hold of some of these men and fined them?

INSPECTOR PAXTON: If the fine was $500 it would have a strong effect but apparently with a lot of them it had no affect whatever.

Q. How many fines were imposed? A. I could not say.

COMMISSIONER J.A.ROSS: How are you going to get a man who carries a bottle in his pocket.

INSPECTOR PAXTON: You might smell it if the cork was out but with a sealed bottle it would be impossible.

THE CHAIRMAN: You could feel it.

MR. PAXTON: Yes, but it is a dangerous proposition to search a man for a bottle and then find out that he has not got one.

COMMISSIONER R.A.ROSS: It just occurs to me that the result of this business trip of yours should

have convinced you that there were no takers inside the grounds.

THE CHAIRMAN: He says 40 men gathered around the car.

MR. PAXTON: Of course that was in front of these stores, it seemed to be a gathering place there, that was at the entrance of the whirlpool camp, there were two or three pool rooms there and a restaurant and naturally the men would go there at night and congregate.

COMMISSIONER R.A.ROSS: As a business proposition supposing these things were ten miles away where would your men have gone to to get their drink? They would have gone to Buffalo or somewhere else and stayed away for a week.

MR. ACRES: They did that.

Q. Did the drunkenness among the night men have anything to do with laying off the night shift?

MR. ACRES: It was a factor.

COMMISSIONER R.A.ROSS: You have seen a good many camps, would you call this a rowdy camp or not?

INSPECTOR PAXTON: I would not say it was a rowdy camp, I have seen other camps that were diry and not as well disciplined in a great many respect but I will say that I saw more liquor at this camp than I saw any place else. I think there is a lot in what Mr. Acres says that there was a lot of rowdyism outside of these stores at the entrance, where the pool rooms and restaurant were, that is where the men congregated.

COMMISSIONER HANEY: I suppose the conclusion is that when they came into the camp they were too drunk to be rowdy? A. I could not say that, they had police at the gate and if they were drunk going in the police would stop them or should have.

Q. Did they? A. I am not able to say, I cannot say that, I ever saw a Hydro policeman pass up a drunk nor did I see a Hydro policeman allow a men to take in liquor.

Q. Or prevent him taking any liquor? A. No, I cannot say that I ever saw him prevent it either.

THE CHAIRMAN: It seems there were four Dominion mounted police here all the time? A. Not mounted policemen.

MR. ACRES: I had many conferences with them but they would not do anything, they could not make arrests.

Q. Why didn't they stop the liquor coming across? A. They had no power to make arrests within Provincial jurisdiction, whatever that was.

MR. POPE: I took it up with the headquarters of the Mounted Police in Toronto on two occasions and they communicated with Ottawa and the reply I got was we cannot act for anybody expect the Provincial authorities, the Provincial authorities had the right to make the request and the Hon. Mr. Raney telegraphed to Ottawa and got them to consent to send the men if it was found necessary. We were reducing the force and the men were handging around outside of the works

through the bush and things were looking pretty alarming and we got the authorities to say that upon Mr.Raney's request they would send a troop of mounted police, that was for riot purposes. You will recollect that the storing of dynamite was one of the things spoken of.

MR. PAXTON: Yes, we were told they were taking sticks of dynamite and concealing it.

THE CHAIRMAN: The Dominion Police act in any case against the excise law.

MR. POPE: I know of nothing that we could do that we did not do.

MR. ACRES: There were only three Dominion Police here, one sergeant and two men and they were under the jurisdiction of the Secret Service Branch at Ottawa.

INSPECTOR PAXTON: Their time was taken up with the Red element at that time.

THE CHAIRMAN: We heard several suggestions that there may be another public work here of the same character, supposing anything of that kind takes place, what would you suggest should be done in order to prevent a repetition of the conditions which you have told us of? A. Certainly more adequate police protection.

Q. You say conditions were worse here than any other public work as far as liquor is concerned; what can be done to effectually prevent a repetition of that sort of thing? A. There should be a police force who could act both on the property and off the property. Where you get a police force which can on the outside and

who feel they are out of place when they go inside and where the inside police feel they have no jurisdiction outside, you are bound to have strife between them.

Q. Was there something of that kind? A. No, the Hydro officers gave us every opportunity:

Q. Was there any feeling that you could not send your police into the Hydro grounds? A. Not that I have any direct evidence of but there often is a feeling between the different police force.

Q. There may have been something of that condition here? A. Possibly, the local detachment would know that better than I would. I simply came over here as no respector of persons and Mr. Acres told me I had a free hand to go wherever I wanted to on the property and whatever I saw fit to do he concurred in it, is not that right?

MR. ACRES: Yes, we wanted your help.

INSPECTOR PAXTON: Wherever there is a large work like this there should be police under one head who would have jurisdiction both on and off the property, if you have police officers on the property who have no jurisdiction off the property and if people outside are allowed to build shacks as was the case here, about 30 or 50 feet from the property, and sell booze and generally carry on a lawless place, which is quite handy for the men as they only had to walk 25 or 30 feet to get a drink and go back again on the property and there is always ways of evading the men at the gates unless you have a big high fence.

Q. How can you evade the men at the gates? A. At the teaming entrance, railroad tracks and sidings.

MR. ACRES: I think Mr. Paxton's idea is that there should be a deadline some distance from the works.

INSPECTOR PAXTON: If a man has the powers of a Provincial Constable he has jurisdiction over the whole Province and if it was necessary for him to go a quarter of a mile away from the property to apprehend a man he could do it.

COMMISSIONER R.A.ROSS: Do not you think all these difficulties will be solved before the plan of new construction is under way?

MR. ACRES: I was not aware until this minute that Provincial Police had not a free run of the place; you had full jurisddiction within our lines?

INSPECTOR MAINS: Certainly, it was simply a matter of numbers, we only had four men.

THE CHAIRMAN: How many police had you inside?

MR. ACRES: 25 or 30 watchmen and I think they kept things in order.

Q. Was not there a sort of feeling that the Hydro Police would look after the inside and you the outside?

INSPECTOR MAINS: No, sir, there was good co-operation between the Hydro Police and the Provincial Police, as far as I know.

Q. What do you think of what Inspector Paxton has just said as to the desirability of having a police force with full jurisdiction over the whole district and not within a certain area? A. It is all right, of course that is quite a proper thing to do, there was not enough of them.

Q. Do you think if proper measures were taken that if there was another undertaking of this kind that things might be managed better than they were.

INSPECTOR MAINS: Things might be managed better if there were constables who had jurisidction outside the work and a sufficient number of them. This trouble occurred at night, it was not in the day time and we could not keep men out there at night, we did not have a sufficient number to do that.

COMMISSIONER HANEY: Did you have any searchlights on the job? A. No.

COMMISSIONER R.A.ROSS: You had 13 miles of frontier to patrol by 30 men who had to work 24 hours a day.

MR. ACRES: We really had 24 miles of frontier, the canal was 14 miles long and we had to look after both sides.

THE CHAIRMAN: Has the fact that when a police constables makes an arrest he does not get any share of the fine anything to do with it?

INSPECTOR MAINS: Now, Mr. Chairman, I do not think that is fair because I will tell you so far as the Provincial Police are concerned the men located at Niagara Falls did everything they could. We made more convictions from the liquor in a year then Inspector Paxton did the time he was here? I can tell you that, we were busy all the time.

Q. He took care of 25 men in one day.

INSPECTOR MAINS: They were not all convicted, you bet they were not.

INSPECTOR PAXTON: I lot of them were undesirables.

THE CHAIRMAN: The Morrison Place flourished before he got here.

INSPECTOR MAINS: The Morrison place only flourished at night and there was no person to control it.

THE CHAIRMAN: That is just the trouble, if the constable had got a share of the fines would that make any difference?

INSPECTOR MAINS: Not one bit.

INSPECTOR PAXTON: It might affect the County Constable but it certainly does not affect our men.

THE CHAIRMAN: You must have know these things were occurring at night.

INSPECTOR MAINS: Of course I knew a great deal of it occurred at night.

Q. Would not that be the time for you to get busy and to check it? A. We were out for a good many nights and did everything we could but the liquor was got in there in spite of us, we could not be on the ground all the time.

Q. What do you know about these men who came there with the truck loads and automobile loads of liquor and disposed of it outside? A. I do not know who they were.

Q. You did not see anything of them? A. No.

MR. ACRES: It would be a rather interesting point if some means could be taken to prohibit these mushroom establishments

THE CHAIRMAN: What do you think would be the best means to adopt?

MR. ACRES: Take the whirlpool camp, if there had been some jurisdiction that could have prevented Morrison from leasing privileges to these disreputable establishments at a high figure, it would have been a good thing, he made a small fortune out of that.

Q. He may not have known? A. He did not care as long as he got his good fat rental, if some means had been taken to move these places half a mil away and to prohibit the building of such establishments within half a mile, that would have simplified things.

Q. Was Morrison a partner in this business?

A. He just leased these buildings.

Q. He had no direct interest in the business?

A. No that I know of.

Q. Did he get a percentage? A. I have not the slightest idea, he got a big rent.

Q. Who is Morrison? A. He is a land owner out there, he owns a farm, we purchased part of his holding.

Q. You might have expropriated it all?

MR. ACRES: Yes, but we did not anticipate what he was going to do.

Q. Do you think a police force having one jurisidction could have done better work? A. I think that is rather spliting hairs to say that there was not one jurisdiction, the simple fact was that they had not a sufficient number of men. Our watchmen were simply watchmen, that is all, they had to see that the men in camp kept in order, and they were given powers

of constables, there were ten men on in the day time and a certain number on at night and they had a large territory to cover.

INSPECTOR MAINS: The four men under me were not confined to the Hydro; we had the whole of the Niagara Frontier to look after; we could not put in all our time on the Hydro.

Q. It required a good deal of time?

A. Yes, but we did not have the time.

Q. Did you apply for more men on that account?

A. No, I did not.

DAVID GORDON HERBOLD

TO THE CHAIRMAN:

Q. Where do you live? A. Chippawa.

Q. You are working for the Ontario Power Company? A. Yes.

Q. Have you lived here for some time? A. Lived in Chippawa three years; I lived in Niagara Falls two years previous.

Q. Did you work on the Queenston Chippawa Canal at all?

A. A few months on the Whirlpool sub-station.

Q. Did you live in this camp at Chippawa? A. No,Sir.

Q. Did you ever hear about the camp? A. No,I have not.

Q. Where did you live? A. Chippawa in a private residence; my home is there.

Q. When you were working at the Whirlpool,you lived at your home? A. Part of the time I boarded at Niagara Falls.

Q. How long was it you worked there? A. I believe I started in April and worked until about September on the Whirlpool Sub-station,electrical work.

Q. What was that? A. Electrical construction - constructing the station there - the converter station.

Q. You have heard what has been said about bootlegging? A. Yes.

Q. Did you see cars driving around with bottles? A. No; I was never around the works at night.

Q. Were you ever at the Morrison Place? A. No,I do not know where it is. I know where the Whirlpool Sub-station is and where the machine shop and storehouse is,but I never knew it as the Morrison place; in fact I was never much versed on the names of the property around the immediate district.

Q. What do you know about the bootlegging which went on?

A. Absolutely nothing.

Q. Did you ever hear anything about it from the men?

A. No, Sir, it was in the early part of the canal I was there.

Q. When was that? A. I believe it was in 1919 or 1920. 1920, I believe - I would not just say positively.

Q. Were there many men working with you on the electrical work? A. I would say about 18 in the gang.

Q. Under whom did you work? A. Arthur Robertson.

Q. Would he be the foreman? A. He was the engineer in charge of that particular work.

Q. Was the work, so far as you know, done well and efficiently and economically? A. Yes, Sir.

Q. Was there anything that was done at the time you were there that you think might have been done differently to the advantage of the job? A. No, I could not say that there was.

Q. You think everything was done just as well as it could be done? A. Just as economically and as efficiently as it could be done.

Q. Did you hear of any wastage of material at any time?

A. I believe anybody in the immediate district has heard of hearsay of things like that.

Q. What, for instance, would you hear about? A. Different things I could mention - you heard so much.

Q. Tell us a few things that you remember? A. Offhand I could not say just what I have heard.

Q. Did you hear of a car of material being dumped into the river? A. No, it was not exactly that. I never heard anything of waste of material. It was known that the engineers might have been a little lax, but as my knowledge of engineering

is very small I could not say there were any facts in it.

Q. What was it? A. I heard they might have done a different job on the bridge at Chippawa, putting in the abutments; they seemed to have a little difficulty there.

Q. What bridge was that? A. The foot bridge.

Q. Was that the bridge going into Chippawa? A. The Bascule Bridge.

Q. What was there about that to criticize? A. They experienced a little difficulty in putting one abutment in, I understand. As far as what made the difficulty, I never HEARD.

Q. How does it work? A. All right as far as I know.

Q. Did you ever do any work on any other Government job?

A. No, Sir.

Q. Was there anything else that you heard of besides this bridge at Chippawa which might have been done better than it was done? A. No, not particularly.

Q. About anything? A. Not to my knowledge now, not that I remember.

Q. Did any of the men that were working in your gang ever get in any liquor? A. No, Sir.

Q. Not to your knowledge? A. Not to my knowledge.

Q. You would be likely to know? A. I presume I would; in fact it is a business that you would not want to monkey much with liquor around electrical work, - take no chance with it. I did not, but there are lots of them would take a little off the job. I would myself if I could get it, but it is hard to get it.

Q. Why did you quit working there? A. I was laid off by

mr.Robertson,and went to work with the Ontario Power Company.

Q. Why were you laid off? A. Lack of work.

Q. What do you do at the Ontario Power Company? A. Electrical maintenance.

Q. You say the engineer in charge of your work was Robertson?

A. Yes,the foreman was Henderson.

Q. Did Henderson know his job well? A. Yes.

Q. Was he an efficient manager of the men under him?

A. Yes,Sir.

Q. Was there a feeling amongst the men that the work of the foreman was generally carried on all right? A. Yes, as far as I know.

Q. Were the men employed on the work generally well qualified for that work? A. I would say so; I do not think they would stay if they were not.

Q. You might know? A. I could not say that; I would not know of my knowledge of workmen myself.

Q. Some workmen are more critical then anybody else?

A. Yes,but in my position you could not consider me a judge of the work of another man.

Q. I have known men to judge other people's work?

A. I would not; I am no criterion myself.

TO COMMISSIONER J.A.ROSS:

Q. How long have you lived in Chippawa? A. About three years.

Q. And you never heard of Morrison's? A. No,Sir. As near as I can understand this Morrison property must be away down near Queenston or at the Whirlpool, and Chippawa is about eight miles up from there. In fact,Chippawa is at the other end of the canal.

TO THE CHAIRMAN:

Q. From your general knowledge of things, do you think the Chippawa Canal was constructed economically and well, and there was no waste of money on it at all?

A. I could not form any knowledge of it.

Q. You have not formed any? A. No, Sir, because I am not versed on engineering problems enough to even try to form an opinion on whether it was too expensive a job or was not expensive enough.

Q. You do not like to form opinions unless you are qualified to pass on the subject? A. No.

Q. Well, you are unusual? A. Quite.

MR. ACRES: There is no reflection on Mr. Herbold being laid off. It was a rush job; Mr. Robertson had to hire a lot of men.

WITNESS: We were only there a few days.

MR. ACRES: When the job was over, these men had to be re-distributed, and in a number of cases they were not required, and it was no fault of his that he was laid off.

WITNESS: If there had been any fault, they would not have taken me back. I went right back to work for the Hydro.

TO THE CHAIRMAN:

Q. Is there anything else you would like to mention to us?

A. Nothing whatever.

CHARLES R.NEWMAN.

TO THE CHAIRMAN:

Q. Have you been here today? A. I was here this afternoon for a short time but I was called out a little while ago.

Q. You know we are a Commission of Inquiry to find out all we can about the Queenston-Chippawa Canal and its construction,and you have been here all the time; can you help us by giving us any information about the matter?

A. I cannot give you any information at all.

Q. You must know a good deal about it? A. I know it has been a good thing for this locality. It has helped to build up the city,and we have never felt the loss of the Hydro leaving because it has built it up and made it very substantial and put many a man in very good financial shape here.

Q. Did you hear what was said about bootlegging?

A. I do not know anything about that; it is out of my line altogether.

Q. Have you anything to say about any phase of the construction - anything that was done that might have been done better or anything that was done that should not have been done?

A. No,Sir.

Q. Is there any part of it at the Falls? A. No,it is in the Township just outside the city limits,to the west of here.

Q. No part of it in Niagara Falls? A. No,none of the construction work on the Chippawa Canal.

Q. I suppose if they decided to construct another aanal here,you would not have any objection? A. Would be delighted.

Q. You do not get any taxes from it? A. Not from the canal, not to my knowledge.

Q. If you could tax it, it would help the town to pay their rates? A. We have not that privilege.

Q. What about the Ontario Power Company; do you tax them at all? A. Yes, that is taxed.

Q. Is there a fixed assessment? A. Yes.

Q. Are there any other power plants within the municipality except that? A. Not to my knowledge.

Q. They would be in Stamford, I suppose? A. Yes, in the Township.

Q. What is the assessment on the Ontario Power?

A. We have a fixed taxation of $75,000 a yearr

Q. Would that be the assessment? A. No, it is assessed at two and a half million dollars.

Q. I suppose the rate on that $2,500,000 would be just the same as the rate on the rest of the property at Niagara Falls? A. Yes.

MR. POPE: The assessment is not to exceed 30 mills.

TO THE CHAIRMAN:

Q. The assessment is limited to two and a half million and the rate is limited to 30 mills? A. That is the maximum.

Q. I suppose they always get the maximum taxation here; the taxes would be higher than 30 mills? A. Yes, it is higher.

Q. That is quite satisfactory to you? A. Yes, we made that settlement with the Hydro. For some time we had trouble about the taxes but we finally made that settlement.

Q. You are quite satisfied with the assessment of two and a half million and the limit of 30 mills? A. Yes.

TO COMMISSIONER R.A.ROSS:

Q. How is it the Ontario Power Company is in and the other power company is not?

MR.GABY: The limit of the municipality is between the two companies.

COMMISSIONER R.A.ROSS: The assessment does not include the power station and the transformer station.

MR.GABY: I am not so sure about the transformer station.

MAYOR NEWMAN: No, that is in the Township.

THE CHAIRMAN: Another part is within the park outside the city.

MR.GABY: Part in the township and part in the city and the transformer station is in the Township of Stamford.

TO THE CHAIRMAN:

Q. Did you have an agreement with the Ontario Power Company for a fixed assessment before it was taken over by the Hydro Power Commission? A. Yes, we had.

MR.POPE: One fixed assessment had expired in 1916, 25 years after we got it.

THE CHAIRMAN: Between 1916 and the time of the Act of last session was it assessed?

MR.POPE: Yes, Sir, and paid for. We took the 1917 Assessment and made that a fixed assessment, not to exceed 30 mills.

THE CHAIRMAN: Did the city assess it higher than that in 1917?

MR.POPE: No, Sir.

Q. That seems a remarkably low assessment for a plant for which you paid $25,000,000.

A. $22,000,000.

MR.GABY: That includes the transformer station and pipe line. Including the new pipeline, the book values amounted

to probably some $26,000,000 or $27,000,000 - that is including the new pipeline and all extra equipment.

MR.POPE: The pipeline is all underground. That would not be within the limits of the city.

THE CHAIRMAN: It is very pleasant to find the municipality and the corporation satisfied with the assessment and the tax rate.

MR.POPE: That settlement was made in the Attorney-General's office and ratified by Act of Parliament of April, 1922.

MAYOR NEWMAN: This is the first year we have had that fixed assessment and fixed taxation of $75,000.

TO THE CHAIRMAN:

Q. Is that the highest tax you ever received from them?

A. Yes, the largest amount.

MR.GABY: I think we paid one year higher than that.

MR.POPE: The mill rate was higher than it is now.

THE CHAIRMAN: I do not see why that property should be put on a different footing from any other. When the Ontario Power Company owned it, surely they should have paid the same rate of taxes.

MR.POPE: No, under the Statute only the land is assessed.

THE CHAIRMAN: The Act is wrong; if you go across the river I will venture to say that on the New York side they do not get any such terms as that.

MR.POPE: Municipally owned property is not assessed anyway.

THE CHAIRMAN: It is not municipally owned.

MR.POPE: Pardon me, it is the same as this City Hall building.

THE CHAIRMAN: If one municipality owns property in another,I think you will find their property is not exempt from taxation. When it is within its own municipality it does not make any difference because it would be only taking money out of one pocket and putting it in the other.

TO THE CHAIRMAN?

Q. In 1921 you got $107,865,so the effect of the Act was to cut it down from $107,865 to $75,000? A. Yes,we have had it considerably reduced.

Q. And the year before it was $86,242? A. The Attorney-General told us that we were entitled to very much less than that, I think it was $50,000,and he advised us to settle. We consider we made a very good bargain when we fixed the tax rate at what we did. We had considerable trouble previous to that. There was an emergency pipeline put in during the war,and the Commission did not think it should be assessed.

Q. Thatis what they call the third pipe line? A. I believe so.

Q. Is there anything further you would like to say?

A. No, I do not think so,Mr.Chairman.

MR.POPE: In connection with the Ontario Power Company,we appealed from the assessment on the ground that only the lands were taxable,and the Ontario Railway Board sustained that. Consequently they could only have got about half what they are getting now under that ruling of the Ontario Railway & Municipal Board.

THE CHAIRMAN: If the Ontario Power Company still owned that property, it would not have been entitled to that exemption? A. Not unless they arranged it. All the power companies had exemption to a certain extent and some of them have not run out yet.

CLARENCE ROBINSON.

Q. Where do you live? A. Niagara Falls.

Q. What is your occupation? A. Mechanic.

Q. Have you ever worked for the Hydro Power Commission?

A. Yes.

Q. What did you do? A. I was a mechanic and foreman for the Toronto Division at McRae Street; I was there about eight months.

Q. When was that? A. November, 1918, until June, I believe, the following year.

Q. Whom were you under there? A. Mr. Easman, Toronto.

Q. How long did you continue under him? A. I could not say how long Mr. Easman stayed there.

Q. Who was the next one? A. Mr. Breckles.

Q. Where was that? A. McRae Street, Niagara Falls; it was under the Toronto Division, under Mr. Bodley; it was not under Mr. Angell.

Q. Although located here? A. Yes, it was run from Toronto.

Q. Who would be the head of the Department in Toronto?

A. I understood it was Mr. Bodley.

MR. GABY: Mr. Bodley was in charge of the garage.

THE CHAIRMAN: Would he be under you at Toronto?

MR. GABY: I believe he was reporting, in the early

part of the construction direct tome, and latterly to the Service Department.

Q. Where would that be? A. In Toronto.

Q. What were you working at here? A. I was a mechanic for a few months and was promoted to foreman from being mechanic.

Q. How long did you continue? A. I was there until June, I believe, the following year - about eight months in all I was under that division.

Q. When would that eight months be up? A. I believe in June, 1919 - somewhere around that.

Q. How was it you came to leave?

A. The pay was cut, for one thing, from $32.50 a week, and it was not enough. That is why I left; I had been getting about $45 a week; the rate was raised and the hours cut down, and it lowered my pay so much that I could not live on it; with the high cost of living I had to have more than that.

Q. Then what did you do? A. I went into business for myself the following January, and then I went down on the construction work in the township.

Q. At what point? A. I was under the Electrical Department.

Q. At what place? A. In the machine shop, Whirlpool garage.

Q. Who was the superintendent there? A. I was under Mr. Hablow; he was electrical engineer.

Q. Were there any charges against you when you left the Toronto Garage? A. Not that I know of; Mr. Hewston came from Toronto and told me I had to report, and I said, "What is it?" And he said, "You are not looking after yourmen as you should." I said, "In what way?" And he said he was told

I did not watch them as quickly as before, and I asked Stewart if he remembered the orders he gave me that I had to work and look after the men as well.

Q. Did Breckels stay on after you left? A. Shortly after, he left.

Q. Why did he leave? A. I do not know.

Q. Who succeeded you as foreman? A. Mr. George Hukerson; they put three foremen on and gave us three, eight-hour shifts - myself, Hukerson and George McLaughlin, and after I left they put it back into ten or twelve hour shifts. I worked twelve hours when I was there.

Q. Was there any trouble between Breckles and Hukerson?

A. Not between Breckles and Hukerson that I know of.

Q. What did you do after you got this engagement at the Whirlpool? A. I was electrician's helper.

Q. Did you run a car yourself? A. Under construction here, no, Sir.

Q. What pay did you get? A. 50¢ an hour, eight hours a day, straight pay, and two hours time and a half; that made really 55¢ an hour for the ten hours we worked.

Q. Did you take charge of any garage after you left the Whirlpool? A. No, Sir, not for the Hydro.

Q. You did not take charge for them at any time? A. Well, when I was at the city garage, I was not foreman, they called it night superintendent; in fact I was in full charge under Mr. Breckles. I was under him and I had to do as he told me.

Q. How long were you at the Whirlpool? A. I started in January, 1920, and I left there last February.

Q. You were there a good while? A. About two years - part of the time in the garage, part of the time in the electrical

Department and part of the time electric welding, and one week pipe fitting.

Q. You should have a pretty good knowledge of conditions around the garage; how did you find them? A. Very satisfactory as far as I was concerned. I was only a helper. I would consider it a helper; I was paid 65¢ an hour.

Q. You were there for two years? A. I was at the Hydro for about two years. I was only in the garage for about part of one summer; I was running a concrete mixer. I was out of the garage about seven miles from the garage.

Q. Running a concrete mixer? A. No, I ran the engine that runs the concrete mixer.

Q. Did you continue to do that until you left, about a year ago? A. No, Sir, I did that for a while and then I ran an electric welder. It was in the fall, quite cold; I think it was Thanksgiving Day I changed.

Q. Then after that, what did you do? A. I bonded until I was laid off; I left that job in December, I believe. I was transferred to below the bank, and then they laid off a lot of hands, and I was one of them that was laid off.

Q. How was it you came to leave the garage? A. Which one?

Q. The second one? A. Because they shortened the hours. I could make more money any place else. You would not work for $32.50 or $31.50 when you could make more some place else.

Q. Was there any other reason? A. Not particularly, no. I wanted to quit a month before I did and Mr. Breckles said he could not replace me. That is why I left, and when I got an opportunity I left them; they found somebody to replace me

and they let me go. I wanted to quit and then he said, All right,you can go".

Q. Was there anything about the way in which that garage was run which was not as it might have been? A. Not that I know of. I would not hire the superintendent as a mechanic if he had come to me and asked for work; that is the only objection I found with it. He may have been all right as a superintendent. He might not be able to be a mechanic perhaps.

Q. In what respect,did he fall short of doing the work? A. One time particularly he fell short on an electrical job that I was doing; he had it already for me and told me to go ahead and finish it,and when I went to finish it, it was all wrong,and I had to do it all over again. He came in the morning and was not satisfied,and he said,"You put in too much time", and I asked him why he did not put it on,and he could not give me any excuse. It made a short circuit.

Q. What system was used in letting out cars? A. They had a man on the door. I just looked after the repairing.

Q. You were a good while there,and you ought to know what they did supposing anyone wanted a car? A. They could not have it.

Q. What would they have to bring in order to get a car? A. Had to get authority from Mr.Angell or Mr.Scribbins.

Q. Could not they get authority from anybody else? A. I believe they refused officials.

Q. Would they have to have an order from Mr.Angell or Mr. Scribbins? A. Either a telephone or a written order.

Q. How many cars were there there? A. I suppose there

would be forty cars and trucks.

Q. Surely Mr.Angell or Mr.Scribbins would not have to give a special order every time a car was taken out?

A. That is different. There were different cars for different men; there is a car supplied by Hydro,and they can take their own car out, but aside from that,nobody can take it out without an order.

Q. How many of these cars are supposed to be under the control of any particular man? A. I could not say, - Mr. Scribbins and Mr.Angell and several others.

Q. Would there be half of the cars that certain men would have a special call on? A. I do not think we had a spare car there at all.

Q. You said there were some cars that certain men would have a claim on? A. All of them.

Q. Certain men would have a particular claim on a car?

A. Surely; it was considered his car - owned by the Hydro.

Q. No one else would be able to take that car out except that man? A. No, unless we had authority and he was not using it for the day.

Q. Could not he give authority himself to another man to take it out if he did not want it himself? A. Not without coming to me;without an order from Mr.Scribbins or Mr. Angell,they could not have it.

Q. The car would have to be used by the man himself. Was that the system all the time? A. When I first went there,it was not. Every car was taken out by a particular man and the car charged out to him, and then they changed it, and they had to get an order from Mr.Scribbins or Mr.Angell.

Q. I do not understand what you mean as to what the system was? A. Mr.Scribbins had a car No.86.

Q. You had 40 cars there? A. 40 cars and trucks for different jobs and different men.

Q. One car would be in there for John Smith,and another for Jim Jones? A.They would use the same car each day.

Q. They would not require any order to take that car out?

A. No,Sir; some of the cars were not kept at the garage.

Q. Supposing John Smith,did not come in himself,but sent somebody else,would you give that car to the other party?

A. If he was an official acting in his capacity while there, and the gentleman was not using it.

Q. Supposing he was not an official? A. That would not be our business. It was not for me to say who was an official or who was not.

Q. Supposing John Smith sent a note saying, "Give my car to so-and-so", would that be accepted? A. It all depends on who it was.

Q. I thought you said it was not your business? A. You can tell a driver or a bum or anything like that from a man with ability.

Q. If you thought a man could not handle the car, you would not let him have it,but if he could handle the car, you would not require anything further? A. Provided we had an idea who the officials were,and who was on the job.

Q. How would you know the man was on the job? Supposing I had a car there,and I sent a note toyou to let my car out to a certain man, how would you know that man was on the job? A. Mr.Scribbins should have authority for that.

Q. Before that? A. They did not go out unless the man that really claimed the car took it out himself, and what he did after that I did not have any jurisdiction over.

Q. Supposing I had a car there in my name, and I took that car out and somebody was waiting outside the door and jumped into that car and drove it off instead of me? A. You would not have got the car.

Q. I had got it? A. Not if someone was outside the door you would not get it.

Q. Supposing someone was outside and jumped into the car, after I drove it out, and I turned it over to him?

A. I suppose it would have togo; I could not run after you; there is no spare car to go after you with.

Q. If I was an employee of the Hydro and I had a car there, I could take that car out at any time I pleased? A. If you were an official, yes, Sir.

Q. If I was an official and you took it to my place, I could let somebody else drive the car? A. That would be up to you; that would be out of my jurisdiction.

Q. Was that done in many cases, to your knowledge?

A. To my knowledge I could not say that it was ever done.

Q. Ever hear of any report about the use to which the cars were put? A. No, Sir.

Q. How long would they be out? A. They are generally in by night; some cars come in at six o'clock, some at nine; it all depends on what work they are doing.

Q. Some come in the next day? A. No, Sir.

Q. Would they all have tobe back the day they were taken out?

A. They would keep them in the garage.

Q. You could not tell whether they kept them in their own garage or another person's? A. There were three different cars not kept in the main garage where I was.

Q. Supposing I took out my car and drove off 50 miles, and did not get back until the next day, might that not happen?

A. It did not happen with me that I know of.

Q. It may have happened with some other people?

A. It might have. I was there to look after the repairing; that is all I was there for.

Q. Did some of the cars come back in a very battered condition? A. If it came in in a battered condition, I would know.

Q. Supposing a man took it out, you could not follow that car all the time? A. No, I was not hired for that purpose.

Q. You might keep that car out for a day or two, for all you know? A. That was not up to me; I could not control that.

Q. How long would the cars be out at a time? A. I cannot tell you.

Q. Were some out for three or four days? A. There was a man kept on the door, and you could find that out from him, Mr. Kinghorn.

Q. Did he keep a record of when the cars went out and what time they came back? A. Yes, Sir.

Q. You would know pretty well being there all the time?

A. The repair department was at the back end, and the door was at the front end.

Q. You could look; you had eyes? A. In what way, do you mean?

Q. You would have a pretty good idea how long the cars would be out; did they have a right to keep them out?

A. They could do as they liked; that was not under me.

Q. Df Mr.Scribbins or Mr.Angell came for their car, they could get it? A. I could not say,"You cannot have it".

Q. If you had raised trouble about them taking it out?

A. I would not have held the position.

Q. You are not there to ask questions? A. I was there to do repairing,and the superintendent looked after the rest.

Q. How long did that system continue of having them take out cars whenever they pleased? A. What do you mean?

Q. You said they could get a car out without an order from Mr.Angell or Mr.Scribbins? A. That was anyone else other than the man who had the car charged to him - which do you mean?

Q. When did that new system begin? Did not the time come when every man had tohave his own car? A. Not while I was there; I was at the construction work; I understood they were trying to get a system like that,but I do not know how it turned out.

Q. Up to the time you left there,there were cars allotted to certain men? A. Each car had its own number.

Q. And its own man? A. Yes.

Q. Then if anyone else wanted one of these cars,they could not come with an order from the man whose name it was under, but they had to bring an order from Mr.Angell or Mr. Scribbins? A. Provided Mr.Angell was not there and someone acted in his place.

Q. It would be either one of these men or someone with

authority fromthem? A. Surely; they were not for everybody's use - just for these men particularly. These men were supposed to look after their cars, after they left the garage.

Q. I understood that no one could get a car out unless it was his car, without an order from Mr.Angell or Mr.Scribbins?

A. There cars were used every day to my knowledge by these particular men.

Q. I understood you to say that applied to all the cars in the garage? A. All the touring cars and roadsters. Everyone was taken up by a particular man, one No.166 and another No126 - each car was allotted to a different man, and there were no others to go around.

Q. These men could take their cars out whenever they pleased without permission of anyone? A.As far as I was concerned.

Q. If someone else wanted to use one of these cars, he had to get an order from Mr.Angell or Mr.Scribbins to take it out? A. Yes.

Q. As far as Mr.Angell's car was concerned, or Mr.Scribbins, could they give an order to anyone to take their car out?

A. When Mr.Breckles came, he inaugurated that system; before he came I could not say.

Q. What was the system before? A. Just enough cars to go around; there were not any left over; we did not have a car in there unless it was broken down.

Q. Each man had his own car, and he could take out that car whenever he wanted to? A. Yes, a car for each official that needed a car at that time.

Q. Supposing he wanted someone else to take that car out, could he order that car to be handed out? A. It never

occur that way. I suppose if he had an order he could have gotten it.

Q. Each man had direct control of his own car?

A. He surely did.

Q. Was there any joy riding done with the cars?

A. You cannot prove it by me, I do not know. I was not hired outside the garage; I got 50¢ an hour while I was in there and nothing after.

Q. To your knowledge were any of these used for bootlegging purposes? A. Not to my knowledge.

Q. Ever find any liquor in them? A. Never looked in, not being a drinker, I did not look for such things.

Q. Were there sufficient repairs to keep you busy?

A. Yes, and we earned our money, every cent.

Q. Were you the only one there repairing cars? A. No, had about 19.

Q. Repairing 40 cars? A. Yes, cars and trucks; there should have been half again as many considering the road conditions we had at that time - washing, cleaning and manning the gasoline pumps and the oil, and the whole affair.

Q. Nineteen altogether? A. Drivers and all; we had to have three spare drivers there - if a shovel broke down, we had to send a truck to take the men to it.

Q. Were you each getting 15¢ an hour? A. No, all the way from 15¢ an hour to 50¢; they brought men from Toronto and they worked for 15¢ an hour.

Q. Did any of you put any extra time in?

A. Well, we worked 12 hours a night; we were there 13 hours, one hour at noon; that was our noon, and I had to work that hour for nothing. I had to be there and open and close the

door and pour gasoline and whatever had to be done at that time. If a driver had to take a truck out ,I had to pump gasoline in and open the door,and I had to do that free of charge and take my meal there.

Q. Your 12 hours ran from one o'clock? A. From six at night until seven in the morning.

Q. Then would you get overtime for that? A. That is just straight time.

Q. Did you get extra for working at night? A. No,just 50¢. I had been making 55¢ at the City Garage before I went there,but I went there because there were longer hours and I could make more.

Q. How many others would be working there at night?

A. There was myself and between 15 and 20 men,I suppose altogether,that is drivers and all.

Q. Half there at night and half in the day time? A. Only about three in the day time; when I went there there were eight or nine.

Q. You mean at night? A. At that time there was just as many at night.

Q. Would there be 15 at night? A. I should judge there would be 15 or 16 or 17; I was not there to see them going home in the morning. There was an hour between when we changed shifts; that was supposed to be meal time. They would leave at seven and I would meet them coming out.

Q. You were there in the day time? A. At first I started there as a day mechanic.

Q. These cars must have been used a great deal to keep so many busy? A. As I said before,considering the conditions of the road,there should have been half as many more as there

was. This Hydro work was new and the roads were just fields. You could not go past the Stanley bridge; I have seen times when they could not get near the job.

Q. Who would pay for the gasoline? A. The Hydro.

Q. How much gasoline was used? A. I could not say, that was not in my part of it. I charged up the gasoline that went to each car each day on a slip. I could not tell you what it is now; that is four years ago, and that is history to me now.

Q. Don't you recall any history? A. No.

Q. Who furnished the tires? A. The Hydro. There were good tires kept on the cars; there was a stock of them.

Q. What make of cars were they? A. McLaughlin.

Q. All of them? A. At that time McLaughlin cars and Reo speed waggons and Packard trucks, and one No.5 Pierce truck, a five ton truck, that was sent to Toronto shortly after I went there. I never saw it around all the time I was there. It broke down and they sent it to Toronto. They did not fix it in Niagara Falls that I know of.

Q. Were there any accidents tothe cars at any time?

A. Only one that I know of; that was a touring car or roadster. I had strict orders from the Superintendent that I was not to work Sunday Night. My pay was to begin on Monday; $80 every half month, and they could not afford to pay me that, and they said to take Sunday night off, but so as to keep things running smoothly and have everything out on Monday morning, I would come back and stay until 12 o'clock on Sunday, and sometimes I got paid and sometimes I did not, but as I was left in charge, I wanted to see things

running smoothly, and one car was taken by a driver after that and broken. That was not up to me; I do not know what caused the breakage. It was broken, and I know it was there the next morning. There were two or three drivers, I guess, together in it, and they took advantage of that period between 12 and one o'clock in the night. That was car No.80 belonging to Mr.Angell at that time. I understood afterwards that the chap that was connected with it and to blame for it, paid the bill, and I understood it was around $80 or something like that, and I was told he had topay the bill. Of course that was nothing to me. I was not working there at the time.

Q. Where did you go after you left the garage? A. I went into business for myself at Niagara Falls. I went on a holiday for about three weeks.

Q. Did not you go to Harrison's? A. I went in the January following, that would be in 1920, I believe. I went to work for Mr.Nablow as electrician's helper. Hydro closed down for some trouble and the men were off.

Q. Was this place you went to a Hydro place? A. I went to the electrical department on construction work. I was working under Mr.Nablow who was the engineer.

Q. What did you get there? A. 50¢ an hour, 10 hours a day, eight hours straight time and the other two hours, time and a half, which made $5.50 a day.

Q. You would not make as much there as you did in this other job? A. It was necessary to work once in a while on Sunday; shovels were broken down and that was the time to repair them on Sunday when they were not working.

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Q. Would you rather work there than in the garage?

A. I believe I would.

Q. How was the organization in the garage? A. I would consider it all right. Of course it would not be for me to say. If I was superintendent or something like that,it would be my chance to speak,but being as I was only a mechanic and foreman,I could not say. My organization under me was all right.

Q. Sometimes the mechanics see more than others do?

A. If I was as smart as that,I would have been superintendent; I would not have been foreman.

Q. If you had been superintendent,you would have run things as they were run there? A. I do not know; seeing is believing; I would have to try it to see.

Q. How does it strike you these garages should be run, with a lot of men taking cars out at the expense of the Hydro? A. I would consider it was perfectly all right as far as my knowledge goes.

Q. What is the life of a car there? A. Never wore any out while I was there.

MR.ACRES: They are running yet,everyone of them.

WITNESS: That is what I was there for - to keep them going. There were two returned to Toronto while I was there; one No.86 and the other No.78,I believe. They were roadsters. They were returned to Toronto; they took a notion they would like to do the rebuilding in Toronto instead of here; no.125 went back to be rebuilt, that was a little roadster.

THE CHAIRMAN: Did you have any Pierce Arrow cars there?

A. No, I wish we had. I would have liked to have seen a few of them. The McLaughlin car was the best we had there at the time; that is not a bad car. Mr.Gaby's car came over once; it was a Packard; that was the only other one we had besides the McLaughlins.

Q. Had that been in an accident? A. No, Sir, just storage. We just had one accident while I was there, and I was not there then, or it would not have happened.

Q. They seem to have driven with some care? A. Well, yes, I say they did, considering the roads they had to travel over. I would not drive my car over the roads they had to go over.

Q. You did not know what ~~the~~ roads they went over?

A. I have been out on the job myself; I know what it looks like. I have seen the roads and I have scraped mud off the cars when they came in, sometimes when we were rushed.

Q. When was the garage put under control at Niagara and taken out of control from Toronto? A. I was working at construction work when it was changed over. There was a superintendent by the Name of Burnett after Mr.Breckles, and then Mr.Burkett, and then Mr.Price.

Q. Why did the change take place? A. I could not tell you; I was not connected with it at that time; you will have to ask someone else who was in it at the time.

Q. Were the rates paid the men there, the same as the rates paid other men on the work? A. One mechanic got 50¢ an hour, the same as I did, and I was foreman mechanic and responsible and everything else, but the other man got as much as I did, and later on they cut our hours down and

raised me to 62½¢ an hour, and then the next man nearest me was 60¢ an hour, and that only made $32.50 a week for me, and I could get more than that any place else, and I wanted to go. I had worked as a shoe clerk and I made just as much as a shoe clerk as I did there at the same number of hours a day, eight hours.

Q. You mean the wages paid were less than they should have been as compared with other work? A. It was the poorest paying one in garage work in Niagara Falls. You could make more money any place else than you could there at garage work, only you got longer hours.

Q. You were able to make a pretty good sum per week?

A. At first I would consider it a good sum; afterwards I would not consider it worth while bothering with.

Q. About $132 a month? A. Later on, on construction work.

Q. At this garage job you made $130 a month? A. No, Sir, when I was foreman I would make from $80 to $100 twice a month; that would be $160 a month.

Q. That was a good wage? A. Surely, but all I could do was work and sleep. I was there 12 hours and 13 hours and sometimes 14 hours. If they happened to be a little rushed in the evening, I had to stay extra hours.

Q. I would not say you were underpaid? A. In proportion to other jobs, yes. Stop and figure it out at 50¢ an hour. You do not figure the total amount you make; you figure the amount per hour, and I had come from a job at 55¢ an hour when I went there.

Q. How many hours a day did you work in the Hydro garage?

A. 12 hours was our regular time.

Q. Seven days a week? A. At first, until they thought it was too much money.

Q. When you made $80 and $100 every two weeks, how many hours did you work per day? A. I was working 12 hours a day at 50¢ an hour and seven days a week.

Q. You worked all the time? A. Yes.

Q. Pretty heavy job? A. Seven days a week, I would consider it was.

Q. You earned your money? A. I would not want to do the same job over again for that money. I could not go to a show or any place else.

NATHANIEL BRILLINGER.

TO THE CHAIRMAN:

Q. Where do you live? A. Chippawa.

Q. What is your position? A. I operate that Government bridge.

Q. Did you work at any time for the Hydro Electric Power Commission? A. About 16 months.

Q. When was that? A. I think from April, 1920, to September 1921.

Q. About a year and a half; what did you do? A. Operator.

Q. What kind of operator? A. Operating the sub-station, the transformer, Chippawa sub-station.

Q. Do you know anything about a fire that took place at the transformer station at Chippawa? A. When the sub-station burned down, I was not there, and I know nothing about that.

Q. Were you at the transformer station about the time of the fire at the cable-way station? A. Yes, Sir.

Q. When was that? A. That was the latter part of September, 1921. I came off on Sunday morning, the latter part of an eight-hour shift from 12 to 8 in the morning.

Q. Had any change taken place prior to the fire?

A. Yes, they changed the system the day before.

Q. What changes were made in the system? A. Instead of feeding from the Ontario Transformer, they cut it out and it was controlled from Montrose sub-station.

Q. The change was made on the Saturday? A. Yes.

Q. Who was on duty at the time? A. I do not remember which one it was; probably Rudolph.

Q. Supposing you had been on duty at the time the fire took place, could you have done anything to prevent it?

A. Not under the conditions after they made the change, I could not.

Q. If the change had not been made? A. I think there would have been some chance.

Q. How would you stop it? A. Drop the load, that would stop the fire works; probably the lightning struck it and that would knock it out at first.

Q. After the change was made you think you could not stop it? A. No, I do not think so.

Q. Was there a watchman at work all the time on the cable-way? A. Supposed to be, yes.

Q. Was there one on duty at the time this fire took place? A. I heard so; I do not know positively.

Q. Would not the watchman have been able to do something to stop the fire if he had been there? Who was the watchman? A. Mr. Rowe, I believe.

Q. Where was he at the time the fire took place?

A. I do not know, except by hearsay.

Q. Does hearsay tell you he was there or that he was not?

A. Hearsay says he was not there.

Q. What do you say the cause of the fire was? A. Short circuit; that is what I was told; from what reason I do not know.

Q. Did a fire take place at any time you were in charge?

A. We had one rap of lightning come in there at one time.

Q. What happened then? A. It knocked the power off and set the insulation on fire on one of the breakers, and put one bank of the transformer out of business.

Q. Was due protection taken at all times to guard against fire? A. That is at the sub-station, yes.

Q. Were proper precautions taken as far as you know?

A. While I was there, yes.

Q. When you were not there, do you know anything about it?

A. No, I do not know what was done after.

TO COMMISSIONER R.A.ROSS:

Q. You said there was a change made in the station the day before the fire occurred? A. Yes.

Q. What change was made? A. Instead of feeding from the Ontario transformer, it was fed from Montrose.

Q. What affect would that have on the fire or danger of fire? A. I do not know; I am not very well up in the art of electricity.

Q. Did that change in operating have any affect in causing the fire? A. That depends on whether the breakers would stay in or out.

Q. Was there a better set of breakers on the one that was taken out? A. They just arranged the wiring different; the breakers would be there just the same.

Q. The same breakers? A. Yes.

Q. It was simply a throw-over from one line to the other? A. Yes.

Q. What bearing would that have on the question of this fire? The electricity was going through the same breakers? A. I do not know hardly. I think an electrician could answer that question quite fully.

Q. You do not know of your own knowledge whether the watchman was present or not? A. No; when I left there that morning I locked the door and there was no one there; that was the last shift.

Q. There were just two operators? A. No,three, eight-hour shifts.

Q. When you went away,you locked the door?

A. I locked the door.

Q. How soon would somebody else come there? A. I suppose the foreman would come up there every day.

Q. What happened after you left there; did the fire take place? A. The fire was on before I left, early in the morning between seven and eight; I left at eight o'clock.

Q. When was the change made from three operators and you locked up the station? A. Sunday morning at eight o'clock I went off and that settled it; that was the end.

Q. When you say there were three operators at one time and you locked up the station and left it by itself, when was that? Was that the day of the fire or the day before? A. I left Sunday morning,and the other operator left at

midnight,and the other was there at four o'clock that afternoon.

Q. There was an operator supposed to be on that switchboard all the time? A. Yes,up untilthat Sunday morning.

Q. Why on that Sunday morning was there operator to follow you? A. Because they changed the line over and did not need it; it was fed from Montrose and controlled from there.

Q. Were there any transformers in that station?

A. Two banks.

Q. And they were fed from two different lines; did the current that came from Montrose go through the transformers?

A. I think so,yes.

Q. Where did the difference come in from feeding these same transformers through these same switches and the same breakers on one line coming from one direction,or another line coming from another? I cannot see what difference it could make? A. You will have to get other authority; somebody who knows more about it than I do.

THE CHAIRMAN (To Mr.Hablow) Q. You have heard what this witness has said; have you anything to say in explanation? He says this fire was caused by changes made the day before?

MR.NABLOW: Apparently Mr.Bellinger has got the two fires mixed up; he is speaking of the cable-way and you of the sub-station.

Q. What fire were you speaking of?

MR.BELLINGER: I was speaking of both,but the cable fire was on my last shift. I was not there when the sub-station burned at all.

TO COMMISSIONER R.A.ROSS:

Q. There was a cable-way across the canal?

MR.HABLOW: Yes.

Q. The tower was turned down? A. Yes.

Q. And in that tower were transformers and motors? A. Yes.

Q. Is that what you were talking about,Mr.Bellinger?

MR.BELLINGER: That is the cable-way fire.

Q. Is that the one that Montrose was connected up to?

A. It was just changed over and fed from Montrose instead of the other way.

MR.NABLOW: Prior to the fire at the cable-way the station was fed from 12,000 volt line of the Ontario Power Company. In order to eliminate the operators, we decided to feed it from the Montrose station by a 4,000 volt line,and in doing that,it came through the sub-station without going into the transformers at all. By doing that,we could relieve the operators,and at the same time,the cable-way was tapped off that line. That came from Montrose and had nothing to do with Chippawa.

Q. You then ran it direct from your 4,000 line? A. Yes.

Q. Was there more of a chance of ground there than on the other line? A. No.

Q. How do you account for the fire? A.At the time of the fire on the cable-way,there was no cable attached to it at all, only the telephone wire.

Q. Your motors were there? A. Yes,but they were disconnected.

Q. The motors were disconnected? A. Absolutely.

Q. What caused the trouble? A.We decided it was through lightning.

Q. The trouble must have been on the line caused by a ground or lightning. It was not internal to the building?

A. Not to the power cables, no,it was not.

Q. The cable-way was not operating at that time?

A. No,it was cut out at the sub-station.

Q. So that there was nothing operating in the plant at the time? A. Only the power passing through.

Q. That is why you did not require an operator there at the time? A. Exactly.

TO THE CHAIRMAN:

Q. What do you say about that,Mr.Bellinger?

A. At the time of the fire I went off at eight o'clock.

MR.NABLOW: The cables were disabled at the time.

MR.BELLINGER: The fire was in the morning.

COMMISSIONER HANEY: You are sure there was a fire,are you? Where were you located,at the transformer station or at the cable-way? A. I was at Chippawa sub-station.

Q. You had no connection with this station? A. That is a mile and a half from where we were.

Q. Did you see the fire before you left? A. No.

TO COMMISSIONER R.A.ROSS:

Q. Was there any storm that day? A. I do not recollect whether there was or not.

THE CHAIRMAN: Here is a report from Mr.Anderson:

"The fire broken out at 7:40 A.M.Sunday. It was first noticed through the sparking of telephones and live wires which were reported to be down. Mr.Anderson went out and met P.Flynn, electrician,and went with him to Chippawa

Sub-station and cut the wires. Discovered that one of the towers of the cableway was on fire and cables down. The telephones were all out of order. He sent Flynn to get the Chippawa fire truck, but it had broken down. The Chippawa engine had to attend to two fires in Chippawa which were caused by the sparking of their telephones due to the cables falling down on the telephone wires."

Q. What do you say about that? A. I have not anything to say about it.

Q. Is it correct? A. It sounds to me as if it was correct.

COMMISSIONER HANEY: There were no bootleggers sleeping in that tower?

MR. ACRES: Would you like me to give you the explanation of that?

THE CHAIRMAN: Yes. I do not understand it.

MR. ACRES: When the cableway was shut down in July, we disconnected all power from the machine. We disconnected the loads from Chippawa. We had a 4,000 volt power lead coming down the Chippawa Creek, and that was tapped off. When we shut the cableway down, we disconnected these leads, but we left a telephone in there connected up in the cableway towers for the use of the watchman. We had two watchmen there working on a 12-hour shift. The night before the fire, there was a heavy wind-storm, and there was a long row of willow trees along Main Street and along this same street going through these willows, through the branches, was our 4,000 volt line, and that was used to operate the pumps at the intake, and this 4,000 volt line was alive. Due to the wind storm one of these brittle willow tree branches, sometime early

in the morning, dropped off and broke the lead, and the lead dropped on the telephone wires, and that put every telephone in town out of order, and started three fires in Chippawa village as well as starting the fire in the cable tower. That was the only connection there was with the tower, that telephone lead, and the 4,000 volts jumped into the telephone in the cableway tower and apparently exploded the telephone and set fire to the cableway tower. That was the cause of the fire, and it had nothing whatever to do with the Chippawa sub-station.

COMMISSIONER R.A.ROSS: You had no need for an operator at the cableway? A. Absolutely no; it was dead with the exception of two small wires for the telephone.

Q. You had a watchman there? A. We had two watchmen.

Q. Who were supposed to look after the machinery?

A. They were supposed to be there to see that people did not swipe the material off the plant; there was a good deal of small material lying around there.

Q. If the watchman had been there, what would he have done to stop the fire? A. He might have stopped the fire; it was Rowe's fault; he had no business to leave the cable.

COMMISSIONER HANEY: Now, that is the answer.

MR.ACRES: I could not say that he would have stopped it; he might have done it, but if he had been 100 yards away from that tower, he could not have stopped it, and he would not have known it was happening, but if he had been up beside the telephone, he could probably have stopped the fire. The fact is that he was not there, and

he should have been there, and if he had been close enough at the exact time, he might have stopped it.

Q. Is he with you now? A. No.

T.ROWE.

TO COMMISSIONER R.A.ROSS:

Q. You were one of the watchmen engaged on this tower?

A. Yes.

Q. Your duty was to come on at seven or eight in the morning? A. From seven until seven; on Sunday morning, the other relief, he and his wife always went to church and he wanted to be a couple of hours late, so we used to come at nine o'clock, and that morning I went away earlier; I wanted to go to St.Catharines and I went away early.

Q. You were not there at the time of the fire? A. No.

Q. There was nobody there? A. No, Sir.

Q. What were your instructions from Hydro with regard to overlapping with the other watchman? A. Fifteen hundred watchmen could not have put that fire out, with the amount of oil there was there unless they were standing right alongside of it.

Q. Were your instructions never to leave the place until the other watchman came on? A. Yes, Sir.

Q. He left before you came? A. I was not working beside Mr.Bellinger. Mr.Bellinger was not on that job at all.

Q. He was at the other end, and you left before the other watchman came? A. Yes.

TO THE CHAIRMAN:

Q. If you had been there, you might have stopped the fire?

A. I never could have stopped it in the world; there was

too much oil.

Q. Why would there be oil in the operator's room?

A. Because they put three gallons of oil every day into that, and it had been running several years, and the bearings got hot and the oil ran from the top of the tower to the bottom.

Q. That cableway was constructed of timbers? A. Yes.

Q. And these timbers were coated with oil? A. Yes.

Q. Was it roofed over? A. Yes.

Q. Were you near enough to see the fire? A. No, Sir.

Q. If you had been there, Mr. Bellinger, could you have put the fire out? A. I could not say.

TO COMMISSIONER R.A.ROSS:

Q. Could you have put it out if the change had not been made from Chippawa? A. I would not say for sure; lightning is mighty uncertain.

Q. If you had pulled the switches on the line?

A. I would not have pulled the switches unless I was told to pull them.

Q. By that time the fire would have got ahead of you?

A. Probably.

MR. ACRES: That would not have made any difference because that 4,000 vole line was alive anyway. It was a wire that had to be alive to run the Chippawa pumps, and it dropped over the telephone leads and energized the telephone leads.

Q. What Mr. Rowe said is quite correct; unless he had been beside the telephone, he could not have put it out? He could still have been on duty and not be near the telephone, and unless he was right there and acted promptly, he could

not have stopped the fire.

COMMISSIONER J.A.ROSS: What was the loss?

MR.ACRES: I think the insurance covered all the loss. It was about $26,000,and we got $26,000 insurance.

COMMISSIONER HANEY: Did you sleep in the office when on duty?

MR.ROWE: No, I was down about the works.

THE CHAIRMAN: It seems the fire could not be stopped on account of the oil.

MR.ACRES: That had a lot to do with it. The tower was saturated with oil.

Q. Is it a fact that there was so much oil about there, it was open to criticism? A. It was just incidental to the operation of the machine. The only criticism is that the machine might have been constructed of steel,and in that case,the oil would burn anyway,and it might have done just as much damage.

COMMISSIONER HANEY: Where did the fire occur originally; it is supposed to have been in the office?

A. Yes.

Q. In an enclosed place? A. Yes,I think it was in the operator's cabin.

THE CHAIRMAN: I see,Mr.Acres,that the total loss is said to be $110,000,and that was paid by the Insurance Company.

MR.POPE: No,that was not on the cableway fire. I think that is the Montrose sub-station; I think the figure on the cableway was $26,000.

MR.BELLINGER, resumed.

TO THE CHAIRMAN:

Q. Did you hear what has been said about bootlegging?

A. Yes,I heard about that.

Q. Do you know anything about it? A. I never traced it up,didnot bother with it.

Q. Do you know anything about this camp that has been spoken of? A. I have been by the camps; I saw them sevenal times.

TOCOMMISSIONER HANEY:

Q. Did you see any cockroaches? A. I never examined close enough; I did not have to go over there to see them; we had them in the sub-station.

Q. Are there real cockroaches in this country? A. Yes, lots of them; they are little fellows and they move fast.

Q. The cockroaches I have seen are about an inch long?

A. These were three-quarters of an inch long. You will see them about the boarding houses that are built of lumber.

Q. I have seen bugs in that kind of place but not cockroaches? A. Yes,I have seen lots of them,and they like to be in the foreign quarters; the foreigners are better to work on probably.

TO THE CHAIRMAN:

Q. Can you tell us anything about the fire at Chippawa, Mr.Nablow?

MR.NABLOW: I do not remember the exact time it happened,but it was sometime between eight and nine in the evening. There was a lightning storm; at that time we had no operators in the sub-station. It was closed and locked-up,but we had changed back from feeding from the

12,000 volt line from the O.P. Company at that time.

As far as I can gather, the watchman noticed the lightning.

TO COMMISSIONER R.A.ROSS:

Q. Was the place in operating condition at that time?

A. Yes.

Q. You were feeding through it? A. Yes.

Q. There were no operators in charge? A. Only one man that went there every day and spent a certain amount of time there.

Q. Had you circuit breakers in that station? A. Yes.

Q. Did they operate? A. Yes, they were tested from time to time.

Q. Do you know whether they operated at the time of the fire? A. No, it would be hard to say.

Q. These breakers were tested from time to time you say?

A. Yes.

Q. How long before this fire had they been tested?

A. I imagine a month before; I was there personally and tested them.

Q. Do you feel confident that these breakers would stand up and take care of a situation without operators being there? A. Yes, under normal conditions, I do.

Q. Supposing they had stuck or been blocked?

A. The same results would have occurred if the operator had been there.

Q. No, the operators could have checked it? A. If he had a case of that kind come in, there would only be one result; they were annealed and came down to the ground.

Q. Indicating what? A. Indicating that a short circuit occurred at the lightning arresters.

Q. Before coming to your breakers at all? A. Yes.

Q. Your idea then is that a flash of lightning came in and short circuited your arresters, the current annealing the wires? A. Yes.

Q. So that the breakers would not enter into that question at all? A. No.

MR.ACRES: As far as you can see, the 12,000 volt lead coming into the station, the wires were just as white as flour; evidently they had been white heated?

Q. That was not caused by the fire? A. No, it was a lightning stroke.

MR.GASY: It was a very heavy line.

MR.ACRES: I imagine the damage was done in a second.

COMMISSIONER R.A.ROSS: Do you think that line could have been whitened in a second? A. Yes; it was evidently whitened at the time it struck the station any way.

THE CHAIRMAN: Have you anything to say to that Mr.Bellinger? A. No, Sir.

PETER EVANS.

TO THE CHAIRMAN:

Q. Do you live at Niagara Falls? A. Yes, Sir.

Q. What is your occupatiioN, A. Tool maker by trade.

Q. Are you employed by the Hydro Power Commission?

A. Yes, for four years.

Q. When? A. Four years ago last Christmas since I started.

Q. Were you in the machine shop? A. Yes.

Q. What can you tell me about conditions at the machine shop? A. Conditions were normal, I suppose; I could not go into the details of any special conditions.

Q. Who was the head of the machine shop? A. In the first place when I went there, there was a Master-Mechanic who was there for about two weeks; he was the first Master-Mechanic on the job; I forget his name. Then followed him, McGrivin, and after him Mr. Reed.

Q. Who was the foreman? A. The foreman was Fred Richmond.

Q. Did he engage and discharge the men? A. I suppose to a certain extent.

Q. Was he a thoroughly competent man or otherwise?

A. Yes, I would say he was.

Q. What would you say of his management? A. Well, efficient, as far as I could judge. It was the first time I worked on construction work. I would say he was a very efficient man for getting out work.

Q. What about management? A. Of course I would say he was all right as far as I could see.

Q. Was everything done in an orderly way - no confusion about the shop? A. There was more or less confusion on a big job. I suppose that happens at any time, but I would say it was done very efficiently. I was in the machine shop all the time.

Q. Who would be responsible for seeing to the efficiency of the work? A. I could not say. What do you mean by confusion? It was a big job, a big undertaking, and I would consider it was very efficiently carried out in the machine shop.

Q. As far as overtime is concerned, was there any unnecessary overtime caused through any mismanagement? A. I would not say that because I did not work a great deal over time myself; my work was on the tools and dies.

Q. Would you go so far as to say that sometimes there was an unnecessary amount of overtime? A. That ~~xt~~ would not say.

Q. Have you said at any time that there was an unnecessary amount of overtime? A. No.

Q. You have not said so at any time? A. No.

Q. You are quite sure about that? A. Not that I know of; there may have been times when perhaps there were a few men called out more than were really necessary, but it would be necessary to call these men out in case of accident or a breakdown.

Q. They would be called on to do something on a n accident? A. There might have been perhaps a breakdown, and there might have been a number of men called out and perhaps one or two might be dispensed with when they got there.

Q. That would be where it was uncertain how mahy would be required? A. Yes.

Q. They were not taking any chances about that? A. Yes, that was done from an efficiency standpoint.

TO COMMISSIONER R.A.ROSS:

Q. Like calling out the fire brigade when there is only a small fire? A. It is the safe method to call out the whole brigade when you know there is a fire.

MR.ACRES: I think it might enlighten the Commissioners to have some distinction between what is ordinarily meant by machine shop and by the shop that we

had out there; that shop we had out there was not a machine shop in the ordinary sense of the word; it was an emergency machine shop.

WITNESS: Yes, that is perfectly right.

Q. What about the locomotives? A. I had nothing whatever to do with the locomotives.

Q. If one broke down would not you have to do anything about repairing it? A. Nothing whatever; my work was mostly tools and die work; that is making tools and dies for the machines.

Q. Supposing a locomotive broke down, would not someone in your shop have to go out and put it in condition again?

A. That was a different department altogether.

Q. That was not the Department you were in? A. The locomotives were down in the round house; we might sometimes make a new plate for them.

Q. Have you told anyone that material was purchased for use there in unnecessary amounts - material that was never used? A. Of course I do not know that. I think there might be material on the job now that has never been used, but I could not say.

Q. Material brought in that has never been used?

A. There might be.

Q. Was there a considerable amount on hand when you left?

A. Not that I know of.

Q. You are sure about that? A. I have nothing to do with it at all; I could not tell you that; I had nothing to do with the material.

Q. Were there any street cars brought there? A. I suppose there are some street cars there yet.

Q. You spoke about some street cars? A. Some street cars there and I never seen them used.

Q. They had some street cars there and did not use them at all? A. They are there yet.

Q. For what were they bought? A. I do not know; I had nothing to do with the purchasing department.

MR.ACRES: I will take the responsibility for that when the time comes.

THE CHAIRMAN: How many shifts were there?

A. When I first started, there was just a day shift - just one shift. Then it got to three, eight-hour shifts.

Q. The one shift grew into three? A. Yes, 24 hours instead of ten.

Q. Was that because there was more work to be done?

A. The job was getting larger all the time; they wanted to rush the job to a finish.

MR.ACRES: We did not have a night shift at the start.

WITNESS: There were three eight-hour shifts, and they were changed every two weeks.

Q. What have you got to say about that; was there confusion on account of that? A. I do not know that there was any confusion over the shift work. They were awkward hours to work, that was all. We would start at seven in the morning for two weeks and finish at three, and the next shift would come on at three to eleven, and the next from eleven until seven.

Q. What was there wrong about that? A. It was awkward to get accustomed to the shift; you would just get used to one

shift when you would be changed off to another, and I had to give up my job on account of it; I could not stand it; there was too much changing over. I did not feel like eating a meal at threeo'clock in the morning.

Q. Did it seem to you that you could have got along just as well with two shifts? A. No, I do not think so.

Q. You think three were necessary? A. I do.

MR.ACRES: I can explain that if you wish. The peculiar hours set for the shifts were for this reason: the shop is in the country and we had to choose the shifts so that the men could catch their cars. A number of them lived in St.Catharines and the last car at night left at eleven o'clock and got to Stamford shortly after eleven.

Q. Did not these men all have automobiles? A. No, the night shift had to come on at eleven at night so as to get this radial car, and the car coming from St.Catharines got in in time to enable them to get in before the others left. Eleven to seven was not a proper shift; it was an expensive one, but it was made necessary from the fact that we had to have the shift so that they could catch their cars. It was very expensive having the three eight-hour shifts in that way.

Q. Why did you have three shifts instead of two?

A. That was one of the conditions of the strike settlement, and as Mr.Evans says it was inconvenient for him.

Q. Would you rather have two ten-hour shifts?

MR.EVANS: Yes, numbers of them would.

MR.ACRES: Of course an ordinary eight-hour shift starts from four to eight in the morning and four to twelve but that could not possibly be worked here.

Q. How many men were employed there?

MR.EVANS: I would say a little over 200 on the three shifts; there were from60 to 70 men on each shift.

THE CHAIRMAN: You were going to tell us about the street cars,Mr.Acres?

MR.ACRES: I was more responsible for the street cars than anybody else. One of our mechanical engineers in Toronto was looking up parts for electric locomotives and he landed on these three street cars in the States for $1,500 apiece,and it struck me it would be a good proposition to have these cars to take repair gangs around the job,and at that price I thought we had better taken them up, because they would be fine to take small gangs around the job,and it would save the expense of running a heavy locomotive. When we got them,we put them into operation and we found they did not run at all. They simply hopped off the tracks like jack rabbits,and we had to put them back into the yards. They were made use of by taking the motors and controllers out and using them for running mixers,and they saved their price several times over,but for the original purpose for which they were purchased,they were absolutely a failure,and the car bodies are out there yet.

COMMISSIONER R.A.ROSS: They were used for running concrete mixers? A. Yes.

HARRY A.RUDOLPH.

TO COMMISSIONER R.A.ROSS:

Q. What is your present address? A. Chippawa.

Q. What is your business? A. I am in the electric business

right now.

Q. Wiring? A. Yes,I am installing motors at the present time.

Q. You have your own business? A. Yes.

Q. You were employed by the Hydro? A. I was employed on the pipe line through Queenston.

Q. Were you there at the time of the fire at the Chippawa sub-station? A. I was not employed by Hydro,but I was the third one there after the fire happened.

Q. What did you notice,anything particularly? A. It took considerable time to keep the juice off the line.

Q. How do you know that? A. By the fire works at the building.

Q. Was that still going on after the fire had been in progress sometime? A. Yes,I presume for half an hour or so.

Q. What would that indicate to you? A. I do not know; I am not advanced far enough to know that,but there must have beens something wrong at the power house that the breaker did not catch. They had to call the Ontario Power House up before they knew anything about it.

Q. Was that where it was fed from? A. Yes.

Q. Then they probably opened their breakers by hand?

A. I presume they must have because after they called them up,the fire works died down.

Q. Did you notice the discoloration of the wire?

A. Yes,it was,as has been said before, red all the way down or at a white heat.

Q. You saw it red? A. Yes.

Q. For sometime after the fire started? A.Well,yes,it was.

Q. Would not the records at the Ontario Power House show that that line was in trouble?

MR.ACRES: I think it would. If you like I will telephone and find out.

FREEMAN PEARCE.

TO THE CHAIRMAN:

Q. Where do you live? A. Right in the city.

Q. What is your business? A. Mechanical engineer.

Q. Were you employed by Hydro at any time?

A. Employed on the canal, on No.11 shovel on March 22nd, 1921, until August 10th, when they cut off the night shift.

Q. Can you tell us something about general conditions on the canal work; how you found them there?

A. As far as I can say, everything was all right on the canal.

Q. Did you get the fullest efficiency from the labor?

A. Around where I was, they did.

Q. Have you heard what was said about the trouble with the night shift over bootlegging and drinking? A. All I ever saw was a fellow had a bottle one night while I was on duty, but I would not consider that any reason for cutting off the shift.

Q. Did you have anything to do with the work on the electric shovels? A. No, just the steam shovels.

Q. What work did the shovels do on the canal? Do you know anything about the work of the Marion Shovel as compared with the Bucyrus? A. No.11 seemed to get out more material than No.12; it was the Bucyrus; 12 seemed to be out of commission more.

Q. What would be the difference between them?

A. In the construction, I do not know what No.12 put out, but I heard she was down quite often.

Q. What about No.11? A. She put out between 170 to 200 cars every night, except when they had a little trouble.

Q. It did excellent work? A. Yes.

TO COMMISSIONER HANEY:

Q. What size shovel was it? A. A model 3, eight yard dipper.

Q. One of the big shovels? A. Yes, I think it had a 90 foot boom.

Q. What would you say about the estimates that were made of the work to be done? Was that done as carefully as might have been? A. Only what you could see in the paper reports; that is all I have to go by.

Q. What have you to say about it? A. From the newspaper reports, I think there was too much optimism.

Q. What are you speaking of? The general estimates for the canal? A. Yes.

Q. You would not have any direct knowledge of that? A. No.

COMMISSIONER R.A.ROSS:

Q. Did you ever see this? A. No, I was not in a position to see anything like that.

TO THE CHAIRMAN:

Q. Have you anything to say about general conditions which might be changed if similar work were undertaken again? A. I think if there were some changes made in some of the works, it would be better at the canal and at the power house.

Q. Changes in the staff? A. In the staff.

Q. You are speaking of the power house at Queenston?

A. Yes, I went there after I left the canal.

Q. What changes would you suggest? A. There are young fellows there who have got charge of the men that I do not think should have it.

Q. Because of their lack of efficiency? A. It seems from what I could see down there, that men are brought from Toronto and put there in charge of men, where men here in Niagara Falls could understand that work and could have handled it, because I have seen them do it in other power-houses here, but they could do that instead of putting these other young men over them.

Q. What men would these be, heads of departments? A. I suppose that is what they would be, heads of departments; that is what they are called there, - the man in charge of the switchboard work there, for one.

Q. I understand it is not so much the qualification of these men, but you think men over here should have the first chance? A. There is one in particular I know that I do not think he is qualified.

Q. Who is that? A. The man in charge of the switchboard work; they had a little set-to there one day, and this fellow said, "You went ahead and designed a switchboard without my consent", and the other fellow said, "I knew after you had been here two days, that you could not do it". Another time they were arguing about a switchboard, and anybody who knows anything about electric work knows that sometimes it is a pretty mean job, and when one particular cable is not in a certain place, it is difficult to know what to do with the other one, and he was told he should not ask such

questions,and another time trying to check the regulator, he said he would not be responsible,and I consider a man like that is not fit to hold a job.

COMMISSIONER J.A.ROSS: Q. Have you hired a number of men on the Hydro job? A. I have not been in a position to hire men.

Q. You were electrician on shovel No.11? A. Yes; the reason I took that work was because the engineering work was pretty slack,and we were lucky to get anything.

Q. Anything else? A. Instead of running T-rails and having a shoe,they ran an overhead trolley. Nearly all industrial plants that have overhead trolleys,have no shoe, because if dust gets on it,it makes a poor contact.

Q. You think the overhead trolley should be used? A. Yes, I think so,because it is cheaper,and it would save a couple of thousand dollars in this particular case.

COMMISSIONER R.A.ROSS: What has been your experience in these matters? A. I have had no particular experience,only from observation.

Q. I suppose theremight be a difference of opinion on this point between engineers? A. I have found that there is a difference of opinion in everything,but they seem to have the overhead trolleys everywhere; the Canadian Niagara has it,and the Toronto Power Company have it,and the Carbon Company over the River has it,and the Graphite and the National Carbon Company - they have it. It would save the trouble of two men pulling the cables.

TO MR.ACRES:

Q. How long since you have been there? A. July.

Q. You have not seen the work since they put the shoes on?

A. No,Sir; if they had the overhead trolley in the first place,they would not have had to have had men to pull the cables all the time,and I think they could have strung the overhead trolley wires on these trusses.

MR.ACRES: We do not like it any more than anybody else,but it had to be done.

WITNESS: I think there was a filing system over there for their blue prints that they should turn inside out.

TO THE CHAIRMAN:

Q. Why? A. You cannot find a print half the time,unless you turn over half a dozen,and when you do find one,you do not know whether there are two orthree of the same print or whether revisions have been made on them. I would say that if a new blue print comes in,discard all the others because if a man gets the wrong blue print,it sometimes means a job being done twice.

COMMISSIONER R.A.ROSS: I have the same thing in my own office.

WITNESS: There is more of that kind of thing in one place than another.

TO THE CHAIRMAN:

Q. What about conditions along the canal? A. I have not had much chance to observe them; I was down in the cut with the shovel all the time and I did not know what was going on elsewhere,but as far as I know everything was working.

TO COMMISSIONER R.A.ROSS:

Q. How did the electric shovels pan out? A. As far as I know,they were all right.

Q. They were quite a step in advance in electrical matters as far as shovels were concerned? A. I never had any experience around the shovels to know much about it. That is the only experience I ever had with a shovel.

TO THE CHAIRMAN:

Q. Is there anything further you would like to say?

A. I think there should be some provision made for British subjects on this Hydro work instead of allowing others to hold down the jobs.

Q. You think they should employ citizens of Canada?

A. It is supported by the people of Canada, and I think Canadians should have the preference.

Q. Don't the Canadians have the preference? A. I won't say that they do, but a man on the power house is not a Canadian citizen unless he has taken out papers recently.

TO COMMISSIONER R.A.ROSS:

Q. He must be a lonely man because all the engineers I have met around here are graduates of Toronto University?

A. In this case I am from Missouri.

Q. Is this man an American citizen? A. He was until recently, unless he has taken out papers.

MR.POPE: Who was the man? A. Mr.Gray.

COMMISSIONER R.A.ROSS: Q. Does he belong to the Union? A. I do not think so.

MR.ACRES: As to this fire, the first indication was a ground; it is what is called a ground, and it is something that does not cause much trouble in the first place; you can get a ground indication without affecting your relays. This was only a small line, and there was considerable

time after that ground developed before somebody notified the Ontario Power Company. The reason for that was that at that Chippawa sub-station, the line is tapped off a line that was carrying 10,000 kilowatts from the Toronto Power Company to the Ontario Power Company, and the O.P. company's relays were set up to accommodate this Toronto Power Company's generator.

COMMISSIONER R.A.ROSS: That accounts for your breakers not going out? A. Yes.

Q. And that accounts for the situation and the discolcration of these wires? A. Yes, these wires stayed there until they broke down, and that line was an iron line.

Q. That would account for it? A. Yes.

W.E.WEIR, called.

TO THE CHAIRMAN:

Q. Where are you employed? A. In the Machine Shop.

Q. What have you to say about general conditions in the shop? A. I have always found them all right.

Q. In the machine shop that you speak of? A. Yes.

Q. Were the records kept properly? A. Yes, they were.

Q. You have spoken about a crank shaft? A. I do not think so.

Q. And that a record was not kept all the time? A. I do not think I made that statement; I never made that statement.

Q. Was there any work done on the boom? A. Yes.

Q. Had you anything to do with it? A. Yes, repairs to the boom and the engine.

Q. Was a record kept of that? A. As far as I know there was.

Q. If any additions were made, were records kept of them?

A. I could not tell you that.

Q. How was the work of the shop itself, as far as the employees were concerned? A. In what way?

Q. What was the organization of the shop? A. There was a general foreman and three machine shop foremen.

Q. Was the work allotted to the different men by the foreman? A. Yes.

Q. And properly done? A. Turned over each time.

Q. Did the best man on the job get the best showor was there any favoritism shown? A. Not that I am aware of.

Q. Was the pay about right? A. The rates were pretty good.

Q. What do you think about what was said just now that it would be better to have two shifts instead of three?

A. It would be better; one could take hold perhaps easier.

Q. Was the bottlegging business flourishing? A. I could not say as to that; I don't bother about it.

Q. Never heard of it? A. I heard of it but I did not bother about it. I did not trouble it myself.

Q. It did not affect the efficiency of the men?

A. Not that I could see around the shop.

Q. What about the head men in the shop; did they carry on their work all right? A. Yes.

Q. Were any of the head men mixed up with bootlegging?

A. Not that I know of.

Q. Never said anything about it to anybody? A. No.

Q. Was there any man around the shop mixed up in it, to your knowledge? A. I could not tell at all; I did not trouble very much about it.

Q. You kept clear of it yourself? A. Yes.

Q. Is there anything about it that you would like to mention to us that we have not touched on? A. No,I have nothing really to say at all.

Q. You are working for the Hydro Commission still?

A. I am working at the power house on the operation.

---Adjourned at 6:30 P.M. until 9:30 A.M. tomorrow, Wednesday,February 7th,1923.

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HYDRO ELECTRIC ENQUIRY COMMISSION.

Niagara Falls, Ont.,

February, 7th,1923. 9.30 A.M.

P r e s e n t :

W.D. Gregory, Esq., CHAIRMAN.

M.J. Haney, Esq., COMMISSIONER.

R.A. Ross, Esq., COMMISSIONER.

J.A. Ross, Esq., COMMISSIONER.

JAMES M. COWAN.

THE CHAIRMAN: Mr. Cowan, you wish to say something about the matter of assessment and taxation?

A-- Yes, I understand, Mr. Chairman, that there was some evidence given yesterday.

Q-- There was some discussion yesterday about it, that is, about the fixed assessment for the Ontario Power Company, and the fixed rate of taxation on that assessment, and the Mayor said that a mutual arrangement had been arrived at, which was satisfactory both to the city and to the Hydro.

A-- I disagree with that, Mr. Chairman; I think there is a very general dissatisfaction with the settlement. That settlement, in effect, means that every householder in Niagara Falls pays $8.80 more in taxes every year.

Q-- That is, every tax payer is a householder?

A-- Every householder.

Q-- Every householder is generally directly or indirectly a tax payer? A-- Take the year 1921, the Hydro should have paid that year a little over $106,000., and, with an additional mill, about $108,000., instead of $75,000 which

they did pay.

Q-- On what are you basing the amount you say they should have paid? A-- On the original assessment.

Q-- On $2,500,000. ? A-- On the original assessment which was appealed, amounting to $2,771,000.

Q-- Then, if the assessment had remained at the original figure, and Hydro had paid the same rate as other citizens paid, the other citizens should have got $6.80 more than they received? A-- Yes, sir. I was Chairman of the Finance Committee of the City Council last year, and had something to do with the agreement made at that time, and we thought this was a ' Jew's bargain.'

Q-- What kind of bargain is that? A-- You know what a Jew's bargain is: all one sided.

Q-- Who was the Jew? A-- I think Hydro was the Jew in this case. The point I should like to make is that the assessment was reduced by a quarter of a million dollars, and the mill rate was fixed at a maximum of 30 mills on the dollar. if the mill rate goes down in Niagara Falls, the Hydro rate goes down with it.

Q-- If it goes below 30 mills, does the Hydro rate fall?

A-- The Hydro rate falls; if our rate goes up, the Hydro rate cannot go above 30 mills.

Q-- What is your mill rate now? A-- 40 mills.

One other unjust feature of the agreement is that Hydro pays $75,000 on the 30 mill rate, but we must pay $35,000, out of that $75,000, for school purposes.

COMMISSIONER HANEY: That does not include the school rate? A-- Yes. The unjust feature I see is, that the school rate is 14 mills, and the schools get $35,000 out of that $75,000.

THE CHAIRMAN: It does not make any difference whether it goes to the schools or not, if it did not go towards the

schools you would have to pay that much more as a Separate School Rate. A-- I am not a Separate School supporter.

Q-- No part goes to the Separate Schools? A-- No. The history might not be amiss. In 1917, Mayor Clendening was in office, when the Ontario Power Company's fixed assessment came into force; the Ontario Power Company paid the first instalment of the taxes in July of that year, and we expected those taxes would be paid subsequently, but Mr. Pope said that those taxes would not be paid, that Hydro did not pay any taxes.

Q-- Mr. Pope, is the Ontario Power Company vested in the Company?

MR. POPE: No, sir.

THE CHAIRMAN: It is a separate corporation?

MR. POPE: It has a separate stock issue. Under the Hydro Act, property owned or controlled by the Hydro is municipal or government owned property, and, therefore, exempt. It is a work for the benefit of Niagara Falls, in the township of Stamford.

THE CHAIRMAN: It comes under that part of the Act which says: if it is controlled by the Hydro, then it comes under that certain clause.

MR. COWAN: The Mayor at that time threatened to put the bailiff in, but the taxes were paid every year until 1919, when the first appeal was made. They paid the 1920 taxes, and in 1921, took it to the court. We took the same position as I think you do, Mr. Chairman, yourself, that the Ontario Power Company was a separate corporation.

THE CHAIRMAN: It is a separate corporation, but Mr. Pope points out that, under the Statute, if it is controlled by Hydro, it is entitled to the same treatment in the matter of assessment as if it were vested in the Hydro itself.

MR. POPE: It was threshed out before the Ontario

Railway & Municipal Board.

MR. COWAN: We have the idea that the Ontario Power Company is a separate corporation sometimes.

THE CHAIRMAN: It is.

A-- It seems that it is treated as a Hydro proposition sometimes, and sometimes as a private corporation.

THE CHAIRMAN: Where merged with the Hydro it comes under the same law. A-- Mr. Pope has the Act.

COMMISSIONER HANEY: Where do you think the difference exists, you say the Ontario Power Company is considered as being a Hydro proposition in one case, and a private corporation in another? A-- I think your commission has been hearing evidence of directors voting themselves salaries in private companies.

Q-- As a company? A-- Yes. But the point is that Niagara Falls is worse off in many ways because of Hydro taking over this property. Fixed assessment was given to the Ontario Power Company, in the usual way, for 10 years, and we were to get horse-power at $10.

Q-- The citizens of Niagara Falls were entitled to $10. per horse-power? A-- Yes.

Q-- That was under the agreement made with the Ontario Power Company? A-- Yes. And Niagara Falls went on the assumption that at the end of 10 years we would take the usual course and bring the assessment up to the ordinary figure.

THE CHAIRMAN: Before Hydro got it, there was a fixed assessment of $2,500,000.

MR. POPE: $16,000 a year.

THE CHAIRMAN: They just paid a lump sum for taxes?

MR. POPE: $16,000 a year.

THE CHAIRMAN: So, although you got your horse-power at $10., you only got $16,000 a year in taxes from the Ontario Power Company? A-- It was on the same terms as

all fixed assessments in Niagara Falls, at the end of 10 years we were to get our full assessment. I would like to point out that the assessment in Niagara Falls is still very small with respect to the Ontario Power Company, being $2,771,000 on the purchase price of $21,000,000. This shows that Niagara Falls did not go as high as it might..

MR. POPE: That $21,000,000. is not all in the municipality of Niagara Falls.

THE CHAIRMAN: Would it be fair to say that about three-quarters would be in the municipality?

MR. GABY: The capital cost of the building has to be considered when buying a corporation, we were buying the business as well as the building in which the business is carried on. In this case, the amount paid for the business would probably be more than the actual cost to construct that building during a certain period. That must be taken into consideration.

THE CHAIRMAN: $15,000,000 would be the cost of construction? Of the property in this municipality?

MR. GABY: There may be a great deal less than that in the municipality.

THE CHAIRMAN: $15,000,000 altogether I think was the amount of the bond issue?

MR. GABY: The bond issue was between $14,000,000 and $15,000,000.

THE CHAIRMAN: What proportion would be in this municipality, three-quarters?

MR. GABY: May be two-thirds.

THE CHAIRMAN: $10,000,000 would be about the actual cost value at that time. I thought it might be considerably more.

MR. GABY: I would not like to agree with that without going into the values.

THE CHAIRMAN: It might be as much as $10,000,000.

MR. COWAN: It is still very low.

THE CHAIRMAN: Yes, lower than the average householder would have to pay on his property.

A-- That is practically all I have to say; I know that there is general dissatisfaction.

Q-- We heard from the Mayor yesterday; I suppose he has the right to speak for the municipality. The question was taken up last year with the Hydro by the city, and they came to a mutual agreement, and that agreement was embodied in the Act of the Legislature? A-- Yes.

Q-- Which Act provided that the Ontario Power Company should pay to the municipality each year $75,000? A-- Yes.

Q-- That is, so long as the rate was not less than 30 mills, and, if less than 30 mills, it was to come down; but that is a very remote possibility for some time? A-- Yes, that is very true, but that agreement was forced on us at the pistol point.

Q-- How was it forced on you? A-- We had spent money in 1921 on the assumption that those taxes would be paid.

Q-- You spent the money in the muncipality?

A-- Yes. We went over to Toronto, and opposed any kind of agreement, but were forced by the fact that if we didn't get something we would have been bankrupt.

Q-- Under the Hydro Act, according to Mr. Pope -- according to the law as it stood, you would have been able to assess only on the value of the land within the municipality?

A-- Yes.

Q-- And the amount of taxes you would have received from the rest of the land would have been very small indeed. So the town and Hydro came to an agreement, and the special Act was passed, and you received far more in taxes than you would have if you had assessed that property in accordance with

the law? A-- Yes. The Ontario Power Company were a different proposition -- it is a company that was here, it was not originated, constructed, or started by the Hydro.

Q-- But still, under the law, according to Mr. Pope, the Act provided that any company controlled by the Hydro was exempt under that law.

MR. GABY: The Act of 1906, was our own Act.

MR. POPE: Under the Municipal Act, with which Hydro had nothing to do, the exceptions were 'government or municipal owned property' to be exempt from any taxes.

THE CHAIRMAN: That is within the municipality?

MR. POPE: No.

THE CHAIRMAN: Suppose the municipality owned property outside of its own borders?

MR. POPE: It is municipal owned property.

THE CHAIRMAN: Are you sure of that?

MR. POPE: Quite sure.

THE CHAIRMAN: I think I saw a case in which it was held that if the municipality owned property in another municipality it should pay taxes at the same rate as a private citizen.

MR. POPE: The Act says: Municipal or Government owned property, unless it is rented and from which they are getting a revenue, then it becomes taxable. It is in the same position as this city hall. All the Hydro property was exempt until the Chippawa canal scheme started, then the municipality came to the Commission -- the town of Niagara Falls and the township of Stamford -- and complained of not being able to get their school taxes. They said they were in a very difficult position because school debentures had been issued, and they were unable to meet them without overlapping those who still held their property. The same

[illegible] it was not an illegal, unwarranted, [illegible]

-- Put still, under the law, according to Mr. Pope, [illegible] provided that any company controlled by the Hydro [illegible] exempt under that law.

MR. GALLY: The act of 1906, was our act.

MR. POPE: Under the municipal act, with which [illegible] had nothing to do, the properties were "exempted or [illegible] a company" to be exempt from tax [illegible].

THE CHAIRMAN: That is within the municipality?

MR. POPE: No.

THE CHAIRMAN: Judges the municipality owned property outside of its own boundary?

MR. POPE: It is municipal owned property.

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THE CHAIRMAN: I think I saw a case in which it was held that if the municipality owned property in another municipality it should pay taxes at the same rate as a private [illegible].

MR. POPE: The act says municipal or government property, unless it is rented out from which they [illegible] a revenue, then it becomes taxable. [illegible] the same position as [illegible] by hell. [illegible] the rules [illegible] [illegible] with the Dominion and [illegible]. Perhaps [illegible], the municipalities come to the Dominion -- the [illegible] Niagara Falls, as the township or Niagara [illegible] of not being able to get their budget [illegible]. They [illegible] [illegible] have very [illegible] municipal [illegible] [illegible] have been [illegible] they were [illegible] to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

thing occurred in the Eugenia district. Then the Act was passed. It was discussed how we could best meet that situation, and it was shown that if they allowed a development plant to be assessed, included in the assessment in the municipality within which they were generating, why it would cut the assessment down millions of dollars. In that case, the municipalities in the Niagara District would have to pay the amount of taxes assessed in this municipality, and that would not be fair.

THE CHAIRMAN: Why not?

MR. POPE: Because, one municipality would get it all.

THE CHAIRMAN: They are getting it all now.

MR. POPE: On the property located in their municipality.

THE CHAIRMAN: Suppose the Ontario Power Company had remained a private corporation, and they had located here, and served the municipalities throughout Ontario, surely the city of Niagara Falls should have the right to the taxes?

MR. POPE: Nobody would suffer.

THE CHAIRMAN: Well, they don't suffer, because it would mean an increased rate to the municipalities served by it.

MR. POPE: The municipality would have to pay rates on whatever they used.

THE CHAIRMAN: Their operating expenditure would have an influence on the rates.

MR. POPE: Every municipality in the Province would not be interested in that plant, none whatever. As it now stands the municipalities in the Niagara District are furnishing money to back the whole scheme, therefore, they are just as much interested as Niagara Falls.

THE CHAIRMAN: How are they interested?

MR. POPE: Financially and otherwise.

THE CHAIRMAN: I think your law is quite right, but personally I do not see why, if the municipality owns the property, any distinction should be made.

MR. POPE: What about the city hall?

THE CHAIRMAN: It is in the municipality.

MR. POPE: You cannot tax it.

THE CHAIRMAN: There is no sense in taxing the city hall, because the municipality would have to pay the taxes themselves.

MR. POPE: If that theory of yours was worked out --

THE CHAIRMAN: It is not a theory of mine, it is general practice. An exception has been made, under the Act, with respect to Hydro.

MR. POPE: No,sir, the Act of 1916, was a municipal law, not a Hydro law.

THE CHAIRMAN: Under the Power Act, you are entitled to the same exemption as in the case of municipal property.

MR. POPE: No,sir, it is under the Municipal Act.

THE CHAIRMAN: Under that Act you are exempt.

MR. POPE: Take the township of Stamford, if they were allowed to assess the power plant in the township, and in Chippawa, at the full assessed value, what would be the result? They would have millions of dollars in taxes, and nobody else would have to pay a cent of taxes in the municipality.

THE CHAIRMAN: That is right, because for these properties you have to pay on the same basis, according to the value. There are many cases where big corporations are located in some municipality, and the result is that the tax rate is comparatively low, such as in municipalities where there are great deposits of ore, as in Minnesota, practically all the

taxes are paid by that corporation, and the people benefit very much by that. Take the Niagara Falls Power Company across the river --

MR. POPE: They are not municipally owned at all.

THE CHAIRMAN: No, they are not municipally owned, but they pay taxes on an assessment of $33,000,000, the same as any other citizen.

MR. POPE: If that company makes $1,000,000, who gets it?

THE CHAIRMAN: Most businesses seem to have a way of disposing of the company's money, without any assistance from us.

MR. POPE: This is a proposition to supply power at cost to the municipalities -- the municipalities own the property. That is the reason that Act came into existence.

THE CHAIRMAN: Now, Gentlemen, dealing with this particular case, since you have settled this amongst yourselves, both the city of Niagara Falls and Hydro have agreed to it, and it has been sanctioned by the Legislature, what do you ask us to do? Why should we recommend that the Act should be upset, after you have arrived an an agreement in the matter?

MR. COWAN: Mr. Pope said that the special Act was passed for the benefit of the township of Stamford.

MR. POPE: Not Stamford township, but every municipality.

MR. COWAN: Every municipality who have lands at present paying taxes, if that land passes over to the Hydro, for instance, the municipality would lose taxes -- that is the position of Niagara Falls with respect to the Ontario Power Company. Hydro did not bring the Ontario Power Company here. That is the submission I wish to make.

THE CHAIRMAN: You have agreed to the arrangement;

your council sanctioned the settlement.

A-- I agree that we submitted to it. We had to do it.

Q-- Never mind; you agreed to it, there was nothing to compel you to do it, you might have said, if we don't agree to this we wont get anything, but there was no coercion put upon you. Your council is supposed to speak for the municipality, and they agreed to this settlement. Why should we open it? A-- Because, it is unjust.

Q-- Has your council taken it up again? Wouldn't the proper thing be, if you believe the agreement to be unjust, to put in a council who will carry out the wishes of the municipality, and ask that this matter be opened. But, the municipality having agreed to the settlement, why should we reopen the matter? A-- Premier Drury took the position we thought was the proper one, he said, when they take over any corporation they take over not only its contracts, but the obligations, one of which is to pay taxes.

Q-- You have come to an agreement yourselves; a body that is supposed to speak for the citizens made an agreement, and said, 'It is satisfactory.' The Mayor came here yesterday and said he was quite satisfied in the matter. Now, if you wish to change that, wouldn't the first thing be to so express yourself -- so far you have expressed yourselves just the other way. A-- I admit we made the agreement.

Q-- If it is a matter of such importance, get your council to ask to have the matter reopened. A-- All the members of last year's council were returned, so I don't think they are very keen on it.

Q-- They have not declared by resolution that they are dissatisfied? A-- No.

Q-- We can hardly assume it, under those circumstances.

A-- I am simply talking as a ratepayer.

Q-- You have a perfect right to submit your views.

MR. POPE: Mr. Cowan, how long were you in the council? A-- 2 years.

Q-- Which two years was that? A-- 1921 amd 1922.

Q-- You were in the council when this arrangement was made?

A-- Yes.

Q-- Were you at Toronto when it was settled? A-- Yes.

Q-- Will you just tell the Chairman how it was settled, and by what method? A-- We went over there several times in 1921, and in the Spring of 1922.

Q-- No, pardon me.

MR. GABY: The legislation was in 1921.

MR. POPE: This meeting you spoke of, took place in the Attorney-General's office? A-- Part of it.

Q-- The final arrangement was made in the Attorney-General's office? A-- No, the final arrangement was not made in the Attorney-General's office, it was in the cafeteria in the Hydro building.

Q-- After you left the Parliament Buildings the agreement was put in shape at our own building? A-- Yes.

Q-- The rate or charge you must pay was settled in the Attorney-General's office? A-- No.

Q-- You must be dreaming. A-- No. Sir Adam Beck will bear me out in that: we went to the Hydro office and discussed this thing for several hours, and we were taken over to the Parliament buildings, to the Attorney-General , who asked us if we had an offer, Sir Adam Beck said, "We offered $50,000," and the Attorney-General said that was very fair, and suggested that we should accept it. We wouldn't accept that,and came back and had lunch.

Q-- That is not all that took place there. A-- Practically

Q-- What else did you say to the Attorney-General? What other suggestion was made by you? A-- We didn't make any

suggestion whatever.

Q-- Did you suggest that the Act should be changed?

A-- Yes.

Q-- What was his reply? A-- He didn't think there would be any possibility of having legislation passed.

We came back to the Parliament Buildings, and gave up hope altogether,and as we were going out of the outside door, Sir Adam Beck made this proposal, and it seemed the only thing we could get, 30 mills on the dollar on an assessment making the taxes $75,000 a year.

Q-- What do you say that is based on?

A-- On $2,500,000 assessment.

Q-- What assessment was that? A-- The assessment prior to the pipe line going in.

Q-- The Hydro took over the Ontario Power Company when?

A-- In the early part of 1917.

Q-- And was that the assessment that was fixed for the year they took over the O.P. Company? Was it the 1917 assessment that was adopted? A--Yes.

Q-- That is the assessment you were getting when Hydro took the property over, and the question of the rate to be charged was discussed and fixed as not to exceed 30 mills? A-- Yes.

Q-- That is the agreement. What happened in your council? A-- We came back here, and realized this was --

Q-- Never mind your realizations. What took place?

A-- We passed a motion, and the special Bill was prepared.

Q-- And taken to Toronto? A-- Yes.

Q-- Supported by your council? A-- Yes,sir.

Q-- Unanimously? A-- Yes.

Q-- And passed? A-- Yes.

Q-- Has there ever been any resolutions or complaint, by your council, objecting to the agreement at that time?

A-- There has never been any official complaint.

Q-- I have not got the Revised Statutes, but these exemptions included Government and Municipal owned property, therefore, the Hydro paid no taxes; the rate they struck for power, and so on, was based upon 'no taxes.' That is why we bought such a large quantity of land in Eugenia for the development of the District, we purchased 1500 acres of land in the township of Artemesia, and they came to Hydro and said, " This is taking from us a good portion of the district from which we get our school taxes, and the result is that those who are left in the district have to take care of the outstanding school obligations, and it is going to hit us pretty heavy."

In the township of Stamford we met with much the same situation, because, in buying the land for the canal, we were obliged to purchase large quantities on both sides of the canal in order to avoid having to put bridges across for each owner. They had the same difficulty. Then the Commission met and said, " This is a hardship for these two places, and we must endeavour to remedy it." And it was decided to pay taxes on the land just in the same way as railroad land is assessed. It was decided to pay taxes on lands owned by the Hydro no matter where they were. And that Act was amended in 1917, and put into effect.

Then the Ontario Power Company question came along, and when they made their assessment we called their attention to this Act. They took the ground that they hadn't known of this, and had spent money, or entered into obligations they would have to meet, and it would be very hard on Niagara Falls if they were deprived of their taxes. The taxes were paid for that year, but they were told they would have to govern themselves according to the Statute next year. They didn't do so, and we laid an appeal against their assessment, and, before it was finally disposed of it was suggested that we

should get a fixed assessment, and we were endeavouring to do that.

THE CHAIRMAN: Did that go to appeal, on the question of assessment?

MR. POPE: Not that year. We paid the taxes in 1918. 1919 came, and the new Government was in. They took it up, but did not care to go into it very deeply. We paid the 1919 taxes as assessed. Then they came back in 1920, and we had an interview with the council, and all sorts of suggestions were made as to settlement. But, nothing doing. The council simply told us that if they did that they probably wouldn't get any votes. It was finally sent to the Court of Revision, and we took it to the Ontario Railway & Municipal Board.

THE CHAIRMAN: Did you go to the County judge?

MR. POPE: No,sir, we couldn't do that unless we had consent; you have to go to the Ontario Railway & Municipal Board.

MR. F.C. McBURNEY (City solicitor, Niagara Falls).

It went to the County judge.

MR. POPE: You go to the Court of Revision, then to the county judge, but he has no power to do anything with it.

THE CHAIRMAN: Surely he has.

MR. POPE: According to the originating act, it is very doubtful if the county judge has power. This question went to the Ontario Railway & Municipal Board, and they sustained the decision of the Hydro, declaring we were only liable to be assessed on land. In the meantime, we tendered money for taxes on lands only. Then the matter came back to the council and they were told to abide by the Act, and it was suggested that some amicable arrangement should be made as to taxes. In order that they wouldn't suffer, we gave them the same taxes they were getting when the plant was taken over

in 1917.

THE CHAIRMAN: $16,000

MR. POPE: No, that was an assessment of $2,500,000

COMMISSIONER J.A. ROSS: You are speaking of 1921?

MR. POPE: I am speaking of the assessment of 1917, when we took over the plant.

COMMISSIONER J.A. ROSS: Upon which you paid the 1921 taxes?

MR. POPE: Yes, sir. Only they had increased our assessment by $2,500,000 on account of the pipe line. That was objected to. They finally settled upon the 1917 amount, and then the rate question came up. We said, "We must know what this is to be." And 30 mills was the maximum fixed. They themselves arranged the agreement, it was signed, and they applied to the Legislature, and it was their own Bill.

THE CHAIRMAN: That is the Act of last session?

MR. POPE: There is the agreement; and that is the situation.

THE CHAIRMAN: A petition for this Act was presented by the city of Niagara Falls?

MR. POPE: Absolutely, it is their Act.

You spoke of the exemptions. When the Government got the Central Ontario system, they bought out the company, and we pay on the lands only -- we need not pay anything, as a matter of fact.

COMMISSIONER J.A. ROSS: The Government owns that property?

MR.POPE: It said, there is no reason why you should not be treated the same as all other Hydro properties, and they agreed to it, and it has been done. If they bother us attempting to extort taxes, we will say, "If you don't want anything, you need not take it."

THE CHAIRMAN: You are a law unto yourselves largely.

MR. POPE: It is property being handled for the Ontario Power Company.

THE CHAIRMAN: Do you not own it, and are you not using it as if it were your own ?

MR. POPE: We had the law amended to enable us to do it. The Hydro went further than that later and recommended that not only the Hydro Commission, but all municipal owned utilities, should be exempt as to land.

THE CHAIRMAN: Land only ?

MR. POPE: Yes.

THE CHAIRMAN: You would not extend that, so we would not have to pay taxes on houses ?

MR. POPE: You aren't philanthropists like we are ?

THE CHAIRMAN: Mr.Cowan thinks you are not even philanthropists.

MR. POPE: Mr.Cowan had no complaint until today.

COMMISSIONER J.A.ROSS: How can you be an philanthropist and produce at cost ?

MR. POPE: Because we are generous.

COMMISSIONER J.A.ROSS: You are not giving anything away I hope.

MR. POPE: No, they seem to think we are keeping too much, or making it cost too much.

THE CHAIRMAN: I am not trying to express the views of the Commission at all, I do not know what they are, but you have settled this between yourselves, and it does seem to me at this stage there is no reason why we should disturb it in any way. If I were a citizen of Niagara Falls I should resent that action very much, and would feel that the fact that municipalities throughout Ontario are interested in this property is no reason why Hydro should not pay taxes to the City of Niagara Falls just as if it were a private corporation; I do not think the fact that municipalities are getting power from the Niagara district

at a less cost entitles them to take the position that Niagara Falls should not collect taxes at the regular rate on the property; I would let them assess the Hydro property as if it were a private corporation.

MR. POPE: Who is to pay it ?

THE CHAIRMAN: It is just as if you or I owned property here, and lived in Toronto, we would have to pay taxes in both Niagara Falls and Toronto.

MR. POPE: That will not help the rate payer.

THE CHAIRMAN: I do not question your law, Mr.Pope.

MR. POPE: The section provides that land owned or vested in any municipal corporation or Commission, or in trustees, or in any other body acting for or on behalf of the Municipal Corporation, and used for the purpose of supplying light, water, heat or power for inhabitants of the municipality, or for the purpose of light, water or power for a tramway, shall be liable to assessment and taxation for municipal and school purposes at the actual value of the land.

THE CHAIRMAN: I do not question your law at all, I think you are quite right about your law; it is just the morality and justice of it, that I am thinking of.

MR. POPE: We have been accused of doing things we were not entitled to under the Act.

THE CHAIRMAN: You have stated that you have done things contrary to that Act yourself.

MR. POPE: No, we have had the Act changed.

THE CHAIRMAN: You say that at Eugenia you are paying taxes that you do not need to pay under the strict interpretation of the law.

MR. POPE: We have the power to do that.

THE CHAIRMAN: In Central Ontario you are paying certain taxes.

MR. POPE: That is with the approval of the Lieutenant-Governor-in-Council.

THE CHAIRMAN: You are no doubt paying these people more than they would be entitled to under the strict letter of the law.

MR. POPE: We pay them three times over.

MR. GABY: It is a great public asset owned by a good many municipalities; why should one municipality reap the benefit of the increased taxation, and get its power for nothing ? It is not the same as a private corporation; Hydro is not operating for a profit, but is owned by a group of municipalities, and have a plant in the Township of Stamford valued at $80,000,000, built by Stamford and the other municipalities as a great public asset for the public good of the Province. Why should the other municipalities pay all the taxes of the municipality in which this plant is situated ?

THE CHAIRMAN: You are questioning me now; I will answer your question. I am just giving my personal view; I see no reason why a municipality that owns property in another municipality should be put on any different footing to an individual.

F. C. McBURNEY (City Solicitor, Niagara Falls)

THE CHAIRMAN: I am sorry, Mr.McBurney, we did not have you in when the debate was on.

A--I heard everything.

Q--Are you the City Solicitor ? A--Yes sir.

Q--What about this matter ? A--In the first place, it has been stated here that this property is treated as municipal property. The Legislature has referred to municipal property,and property belonging to the Hydro, as

entirely different.

Q--Oh, yes. A--So far as municipal property is concerned, to be exempt it must be owned by and vested in the municipality, so far as Hydro property is concerned, it only must be used or controlled by the Hydro.

MR. POPE: Owned, used, or controlled by.

A--Put it as you like, owned, used, or controlled by. I have the amendment to the Assessment Act passed in 1913, and it says, "Vested in, or controlled by." In 1917 the Hydro got through some legislation amending the Power Commission Act. That is section 12a of the Power Commission Act now. It reads :

> " 12a (1) Not withstanding anything in the Assessment Act contained, land owned by and vested in the Commission shall be subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality."

Up to the time this Act was passed Hydro lands and buildings were exempt from assessment; this Act was intended to make the lands liable to assessment, I do not think there was any intention to take away the assessment that had been previously made upon buildings.

We were in the position where we had, far back, given them a bonus in order to induce them to locate in Niagara Falls, and at the expiration of ten years we expected to get full assessment from that property, but Hydro has taken away from us that advantage, by the following subsection.

THE CHAIRMAN: That subsection was passed when ?

A--In 1917, about the time the Ontario Power Company stock was acquired by the Hydro. This subsection says :

> " (2) Subsection 1 shall not apply to or include buildings, machinery, works, structures,

"substructures, superstructures, rails, ties, poles, and other property, works, or improvements owned, used or controlled by the Commission."

Prior to that section being passed the Act read, "Owned by and invested in the Commission," which land was exempt from assessment.

MR. POPE: Read the last two or three lines.

A--"shall continue to be exempt from assessment and taxation as heretofore."

MR. POPE: That leaves the Act to apply as it was.

A--I refer you to section 5, subsection 7 of the Assessment Act, which reads in this way : "Except as provided under section 45a, all property belonging to or leased by any municipality, or vested under their control, or any public commission." That has been broadened out by these words, "owned, used, or controlled by the Commission," shall be exempt from assessment.

Now, of course, our attitude was this, these lands are vested in, owned by, even used and controlled by the Ontario Power Company, which has a separate Board of Directors, who buy, sell, and give orders for improvements, and so on.

MR. GABY: That is not quite correct; the Hydro Electric Power Commission make all improvements, and the money is expended as a Hydro expenditure. It is part of the expenditure of the Hydro system, although it is put in as a Hydro Power Commission expenditure. The pipe line is handled as a development of the Hydro Electric Power Commission, as part of the development, and we are at present operating that system.

MR. McBURNEY: There is no reason for treating this as an ordinary municipal undertaking. The Hydro took this Ontario Power Company over subject to all agreements that

existed; now they have an agreement to sell power to the Niagara, Lockport and Ontario Power Company, on the American side, a large block of power, and that agreement will run for the next 30 years. That was an agreement entered into by the private corporation, and Hydro will have to carry that contract for a number of years. Presumably they make a profit out of that power, and they should pay taxes.

MR. POPE: We do not make a profit.

A--The only reason you do not make a profit is because you entered into the Chippawa development scheme.

MR. POPE: Would you rather not have the Chippawa development scheme ? A--No, the citizens would prefer that you should develop another canal.

Q--Are you speaking as a ratepayer or as City Solicitor ?

A--I am speaking as a ratepayer, I cannot speak for the City.

THE CHAIRMAN: Why do you ask us to take up the matter, as a citizen ? A--I have been subpoenaed to attend. I think, as a matter of principle, Hydro ought to pay taxes on all lands purchased by them on which they are building, and on the buildings on the lands that are purchased by them. As to newly erected buildings, it is a different matter, there may be some reason for exempting a newly erected building, but they should not take away revenue that the municipality has had.

Q--What is the total assessment ? A--I think it is between $11,000,000 and $12,000,000.

MR. POPE: What difference do you say has been made in the municipal assessment on buildings under the Act of the Legislature ? A--Municipal assessment, none.

Q--We have been told that something has been taken away from Niagara Falls, what is it ? A--It is not municipal assessment, it is Hydro assessment.

Q--As municipal assessment ? A --There has been no assessment made under the municipal assessment.

Q--You argued this whole matter before the Ontario Railway and Municipal Board ? A--It was argued out.

Q--You argued it ? A-- I did not argue it.

Q--You directed the argument ? A--Yes, I directed the argument.

Q-- And all these matters you have now suggested were raised at that time ? A--Yes.

Q--And the judgment of the Ontario Railway & Municipal Board was that this was a municipal plant and it was exempt except as to land ? A--No, they did not consider it a municipal plant, they said these words, "Used or controlled by the Hydro Electric Commission", to their mind put it in the category of "lands." That is the judgment of the Ontario Railway and Municipal Board, As against that there is the decision of the County Court Judge who ruled that land and buildings owned, used or controlled by the Ontario Power Company were a private entity and, as such, were assessable.

Q--What was the remark of the County Court Judge when he made that finding, can you give us the whole of it ?

THE CHAIRMAN: Is it worth while following that any farther ?

MR. POPE: The County Court Judge said, "I seem to be neutral, I have no power to approve or disapprove, and I am going to let it go to the proper tribunal to sustain the judgment."

MR. McBURNEY: How could he say that, you said there was no appeal to the County Court Judge ?

MR. POPE: You are asking this Commission to revise the Act.

THE CHAIRMAN: No, he asks us to recommend it.

MR. McBURNEY: I say, as a matter of principle, lands of the Hydro Electric Power Commission should be assessable.

MR. POPE: They are.

MR. McBURNEY: And the buildings on those lands should be assessable, at least the buildings on the land at the time they were acquired.

COMMISSIONER M.J.HANEY: What about machinery ?

A--Machinery, in law, is treated as part of the building to which it is attached.

MR. POPE: You would be content to let the Township of Stamford get the assessment on those various power plants, together with the machinery and everything connected with them ? A--If located in the Township of Stamford, certainly.

Q--Queenston and Chippawa ? A--Queenston, and in Niagara.

MR. GABY: Anything within the Township ?

A--I should say so.

MR. POPE: Lands, buildings, and improvements ?

A--I think so. Any municipality that has natural assets should get the benefit of those natural assets.

Q--Under the Hydro Act, who would pay the taxes to the Township of Stamford ? A--The Hydro Electric Commission.

THE CHAIRMAN: Had we not better deal with Stamford later ? I understand some one will deal with Stamford-Township.

MR. POPE: Mr.McBurney is solicitor for Niagara Falls.

THE CHAIRMAN: I suppose the presence of these buildings add something to the expense of the Township in connection with the keeping up of the roads ?

A--Yes.

MR. POPE: We have given them crushed stone to make roads.

MR. GABY: We have given them a great deal of money as

well. The assessment would be on the Ontario Power Company as the assessment of 1917 ?

MR. McBURNEY: No, the assessment in 1917 was $250,000 on lands.

MR. GABY: The assessment, as we are paying it today, is the same as we were paying in 1917 on an assessment of $2,500,000 ? A--The assessment in 1917 was $2,500,000.

MR. POPE: The year 1917 was adopted ? A--Yes.

MR. GABY: $250,000 was made by Hydro as an expenditure ? A--Yes, at 10 or 12 mills on the dollar.

THE CHAIRMAN: Mr.Pope, have you ever made an estimate of the amount you have saved in taxes on the different plants because of these exemptions ?

MR. POPE: No, sir.

THE CHAIRMAN: Can you do that ?

MR. GABY: We do not save anything.

MR. POPE: It is taken out of one pocket and put into the other.

THE CHAIRMAN: You save it, because if you were just a private individual you would have to pay taxes as a private individual.

MR. POPE: Hydro is not a private scheme in any sense.

THE CHAIRMAN: If you were not entitled to exemption, and were placed on the same footing as a private individual, you would have to pay far more taxes than you pay today; have you ever estimated what the amount would be that you save on taxes ?

MR. POPE: No, because it is not at all analogous.

THE CHAIRMAN: It would be very interesting to know because it has a direct bearing on the rates you pay.

MR. POPE: The other municipalities would have to pay that loss.

THE CHAIRMAN: Each municipality would get the taxes

on the works in their own municipality. Take the difference between the plants on this and the other side of the Niagara river, if the property on this side was privately owned and fully assessed, it would make an immense revenue for this municipality.

MR. GABY: They would have to pay it in their power bills.

THE CHAIRMAN: That may be.

MR. POPE: I have never known of an enterprise like this anywhere that did not have a fixed assessment.

THE CHAIRMAN: It would be very interesting if you could show the difference between what you pay in taxes, and what you would pay as a private corporation.

MR. GABY: An impossible thing.

THE CHAIRMAN: It would not be difficult, because that is the assessment on which you pay.

MR. GABY: Any estimate would be in the realms of guessing, and would be of no use whatever.

THE CHAIRMAN: However, you save some mills on the dollar that way.

MR. GABY: I doubt it. Take the same situation where power is developed at the source, Montreal for instance, what taxes do those companies pay in Shawinigan ? Practically nothing.

THE CHAIRMAN: You know what the Niagara, Lockport and Ontario Power Company pay in the City of Niagara Falls, New York ?

MR. GABY: I do not know.

THE CHAIRMAN: The assessment is $33,000,000 and they pay the same rate as other citizens.

Mr.McBurney, do you remember what they pay across the river ? A--No.

THE CHAIRMAN: I wish you would let me know that.

A. C. HARRIS :

THE CHAIRMAN: Come Mr.Harris. Mr.Harris, what is your full name ? A - - Alfred Charles.

Q--Where do you live ? A--St.Catharines.

Q--Were you at one time engaged on the work of the construction of the Queenston-Chippawa Canal ?

A--Yes sir.

Q--What was your position there ? A--To take charge of the operation of trains, and construction and of it.

Q--When was it ? A--The first of March 1919.

Q--That would be at the beginning of construction ?

A--Yes.

Q--Were you in charge of that branch from that time until the canal was completed ? A--From the time when we had enough of the railway constructed, and traffic to warrant it.

Q--How long did you continue ? A--From about the first of March 1919 until the last of 1921.

Q--That is, you were there practically during the whole period of operations ? A--Yes sir.

MR. GABY: Mr.Chairman, I just want to correct the impression, I do not believe Mr.Harris was in chagge of construction, I think he was a train despatcher, is that right ? A--That is what it worked down to in the end. I came over here to take full charge of the railway operation.

MR. GABY: As train despatcher.

MR. ACRES: Mr.Harris was originally hired to take charge of despatching operations of the construction railway, as originally planned.

COMMISSIONER M.J.HANEY: That is the movement of trains?

A--Yes.

MR. ACRES: Owing to the delay caused by the Grand Trunk, and after that the labour shortage, and disorgani-

zation, we were never able to complete the railway as originally planned, so we were never able to give Mr.Harris the position we really had in mind for him when we brought him there at the beginning. Harris had been doing similar work on the ship canal and when he was finished there we got him out of there and gave him this temporary work.

THE CHAIRMAN: Perhaps he will tell us just what it is.

MR. ACRES: The understanding was that Mr. Harris was to have a similar position with regard to the construction of the railway here, the same as he had on the ship canal, but we were never able to give it to him, owing to circumstances.

THE CHAIRMAN: Mr.Harris, what had you been doing before you came to the Hydro ? A--Working on the construction of the Welland ship canal.

Q--What did you do after you came to the Hydro ?

A--I first looked over the plans with Mr.J.B.Goodwin, who was Works Engineer, to find out what the traffic would amount to, and drafted rules for the operation of the railway, also forms for the use of operators, train despatcher, and train crews, and turned them over to the printing department to be printed. From time to time I assisted in other departments until such time as they could take me down to the railway work.

Q--Do you say you had been doing this kind work on the Welland Canal ? A--Yes sir.

Q--What do you say about having worked out a system here with regard to the operation of trains ?

A--When I went down to take hold of it, the traffic at that time around what we call the "Y", near the whirlpool was getting pretty heavy, and I arranged a small despatching system for the movement of trains around that"Y". It worked fairly well for a time, until the traffic increased still more. Then I suggested that an interlocking plant be

installed at that point.

Q--To whom did you make the suggestion ?

A--To J.B.Goodwin first, then to Mr.Angell. Neither gentleman were very much in favour at the start, but I brought it up again on two or three different occasions, and it was finally decided to instal a small plant at the point of the "Y" leading towards what is called, "main disposal." That, I believe, was installed somewhere during the Spring of 1920, and it worked out fairly well. Later on, I cannot give the date, we made an addition to that plant, we were equating over two corners of the "Y" which at that time comprised a double track railway on all three sides. The traffic was such that I believe the interlocking plant was well warranted.

Q--And it was put at these different points ?

A--Yes.

Q--When was it put in later at other points ?

A--I cannot give you the dates, I believe it would be somewhere about six months or so later.

Q--How long would that be after the operations had begun ?

A--I should say about 12 months.

Q--Should it have been put in earlier ?

A--Of course, there may be a difference of opinion as to that; I would like to have seen it in there at the start.

Q--Would that have saved time and added to the efficiency of the work if that had been done ? A--I believe it would, not only at that time, but would have given the train crews an opportunity to be acquainted with the operations of an interlocking plant.

Q--Perhaps you can explain the operations to us, on that "Y". It is not very clear in my mind.

A--Unless a person was looking at an interlocking plant in operation it would be rather difficult to explain.

Q--Can you make a sketch of it here ? A--In the first place, an interlocking plant is arranged with signals, switches, and derails, an interlocking movement which must be in predetermined order, so that a train using one route in that plant cannot be interfered with by the operator setting the switches and signals in order to give another train access to that same section of track.

Q--It assures safety ? A--It is absolutely safe, in fact, to use one expression, it is 'fool proof.' There was a deep cut all around the "Y", and trains coming around the "Y" were unable to see what was ahead of them.. That was the reason I first tried the small despatching system.

COMMISSIONER J.A.ROSS: Were there any bad accidents before the interlocking system was put in ?

A--I cannot say there were bad accidents, there were one or two unfortunate occurrences.

THE CHAIRMAN: What were those accidents ?

A--One morning two locomotives left stations with their clearance orders, at that time we were using a single track on that route, and the result was they came together. Another instance was one morning during a very heavy fog --

Q--Was there any person injured when the two locomotives came together ? A--Not in that case, no.

Q--Was much damage done to the engines ?

A--I suppose there would be considerable damage done to the coupling beams on the ends of the locomotives.

Q--What was the other accident ? A--A Bay City crane was taking the cross-over on the main line, and before we could get it clear a train came down from the main disposal on the way back, and owing to the heavy fog, we could not get to that train in time to stop them, the consequence was that the train went through the cab. Fortunately, no one was injured.

Q--Was much damage done ? A--The cab of the locomotive was wrecked.

Q--There was no person hurt ? A--No. I again talked to Mr.Angell in regard to the interlocking plant.

Q--This was before the interlocking plant was put in ?

A--Yes.

Q--I understand that if the interlocking plant had been put in that such accidents would have been impossible ?

A--I do not think such an accident could have happened at all.

Q--Were there any other accidents besides those two ?

A--Not on my territory.

Q--Not that you know of.

MR. GABY: Were not those accidents after the interlocking plant was put in ? A--No.

Q--That is in the information we have regarding the last accident ? A--It would be just before the interlocking plant was put in.

Q--Do you remember the date ? A--No sir.

Q--Can you tell me the number of the engine ?

A--I do not remember the number of the engine now.

Q--The information we have from the man in charge is that it was after the interlocking plant was put in ?

A--I will tell you how I know. The despatching office when the interlocking plant was put in, was moved, and the accident took place before the office was moved. I was only three feet away when the accident happened.

Q--We will have to get the dates, and number of the engine.

THE CHAIRMAN: No doubt the particulars will be in your records. Mr.Harris seems pretty positive about it.

A--I was only a few feet away from it, at the time it happened.

Q--Can you explain to us this interlocking system ?

A--That is rather difficult to do without a plan of an interlocking system. Each route is equipped with a distant and home signal; the distant signal will show, in some cases, which depends on the safety required, a signal which will allow a train to proceed slowly to the home signal, when the normal condition is 'red', and when the road is clear for the train to proceed it will be given a 'green' signal. Then the engineer knows that the track is clear ahead of him, and the signal cannot be changed while he keeps on that section of track.

Q--Can you explain to us how trains were handled on that "Y" ? A--We had a despatching system, with operators, at different points along the line from Queenston to the N.S.& T.Railway branch, and from the "Y" to the main disposal. As a train passed that point, it was reported to the despatcher, giving the time, that time was entered on the time sheet, and the despatcher know where that train was at all times. He knew where all other trains were that were on the main line. When a train was approaching the "Y" provision was made to get that train through if possible without stopping it.

That is about the only explanation I can give. It works out about the same for all train movements.

Q--What have you to say as to the efficiency with which the trains on the system going to and from the work were handled ? A--I think, very well.

Q--Did you have many men under you, who helped in the operation ? A--I suppose from 10 to 25 at different times, comprising switchmen, operators, and train despatchers.

Q--What have you to say about the co-operation between yourself and Mr.Goodwin, and Mr.Angell, while they were there on the job ? A--There seemed to be very great differences of opinion between Mr.Angell and myself as to

the system that would be used on the railroad .

Q--Did you have any difficulty in doing your work properly owing to lack of co-operation between yourself and these men ? A--Well, it may have been rather unpleasant from time to time.

Q--In what way ?

A--I did not exactly have a free hand to go ahead and do things the way I wanted to.

Q--If you had had a free hand do you think it would have been to the advantage of the undertaking ?

A--I think so.

Q--Just explain shortly just how it would have been an advantage ? What were the points of difference between you which prevented you having a free hand, and getting the best results ? A--As far as handling the train service was concerned, I had no authority over the train crews except they had to abide by orders respecting train movements only.

Q--Well now in what way would you like to have used your authority, and were not allowed to use your authority ?

A--In order to give real efficient operation of that railway, I consider I should have had authority directly over the train crews.

MR. POPE: The despatcher should have that authority ?

A--No, it should be the man over the despatcher.

THE CHAIRMAN: How would that have helped you ?

A--I could have shown the trainmen where they were making mistakes very often, and I could have corrected small dismeanours at once.

Q--Was there any one else there on the spot to do this, pointing out any mistakes, and looking after any misdemeanours on their part ? A--There was a train master on the job who hired the crews, that is brakemen, and any

complaints I had I had to take them to him.

Q--Were they dealt with promptly and properly ?

A--That is rather difficult to answer; I was not there at the time they were dealt with.

Q--Did you see any bad effects resulting from the men not being under proper control and direction ?

A--I believe theyewere, from time to time.

Q--Was this train master a thoroughly experienced and competent man ? A--I cannot say what his experience was.

Q--Perhaps you can illustrate what you mean when you say that from time to time there was not proper direction and control over those men ? A--I would not say it was not proper direction and control, but in a great many cases train crews were possibly not doing their work just as promptly as they should. I do know of instances where they were loafing on the work, I could see it, but by the time I would get to the higher authority, they would be gone, and probably forgotten all about it themselves. You would have nothing to go on, and it was not worth while saying anything about it.

Q--Did the work suffer in consequence of that ?

A--To some extent, yes.

Q--In what way ? A--It would delay the train.

Q--Was there much delay caused by that, from time to time, when you were there ?

COMMISSIONER J.A.ROSS: Was anybody hurt through negligence such as you speak of ?

A--There was an accident, but I was at Queenston at the time and do not know the particulars.

Q--At Welland, you were in complete charge ?

A--Yes sir.

Q--How many trains did you move in the period of your employment there ? A--An average of about twenty trains a day.

Q--In the whole time you were there, were there 50,000 or 100,000 trains ? A--Approximately 100,000 trains.

Q--And on this job at Chippawa, you were not in complete charge ? A--No sir.

Q--You were a despatcher, under the train master ?

A--Yes sir. Not under the train master, under the Superintendent of construction.

Q--So your point of view was different ? A--Yes.

Q--That is, you would not have run it exactly like he did ?

A--No sir.

THE CHAIRMAN: You would have got better results, you think ? A--I think I would.

COMMISSIONER M.J.HANEY: How many trains were you moving, the maximum number, for the disposal ?

A--That varied a great deal from day to day, on account of the shovels changing work, there were approximately 700 train movements every 24 hours, around that "Y" in the busiest times.

Q--That was when you had the double track ? A--Yes.

Q--From where did these trains come that went to the main disposal ? A--A good many from the pit, also from the Queenston end, the upper end of the work.

Q--Who was your immediate superior ?

A--Mr.Scriven.

Q--Was he a train man ? A--I do not know.

Q--Well surely you would have some idea whether he was a man accustomed to the movement of trains, from your relations with him there ? A--We sometimes had differences of opinion.

Q--You propose to be a train man, expert in the movement of trains, you were dealing with another man, and should have some idea as to whether he was a competent man or not.

THE CHAIRMAN: Can you say whether or not Mr.Scriven was a man experienced in the movement of trains ?

A--I do not think so.

Q--To what extent do you think the undertaking suffered from not being under the control of an experienced man ?

A--That is a question that is impossible for me to answer.

Q--You cannot answer it approximately ? A--No.

Q--Did you give orders yourself, from time to time ?

A--Only as concerned the movement of trains.

Q--Did you give any written orders to the train crews, at any time ? A--Nothing except their clearance orders, which concerned the movement of the train only.

Q--What happened to the written orders issued by you, did you ever put up any printed orders, rules and regulations for the train crews ? A--When I first went down I issued preliminary instructions to the train crews so they would know what we were going to do in regard to changing the system of handling trains, apparently they were taken off the locomotives.

Q--That is, these orders were taken off ?

A--Yes.

Q--Do you know under whose directions they were taken off ?

A--I do not.

Q--Were they replaced ? A--Not to my knowledge.

Q--Were those orders such that the men should know and observe ? A--I considered them so.

Q--They were taken off the locomotives ?

A--So I am told.

Q--And were there any orders corresponding to them ever issued afterwards ? A--I believe the train master issued certain orders.

Q--That is the man of whom you spoke just now ?

A--Yes.

Q--Were they satisfactory, comprehensive orders, sufficient for the purpose ? A--I believe they were, so far as they went, but I did not consider they went far

enough, they weren't complete.

Q-- So, you think the men were not sufficiently instructed, is that it? A-- I considered that I was responsible for the movement of those trains, and my instructions should have been abided by.

Q--,Who had the orders removed from the locomotives?

A-- I can't say.

Q-- Did you speak about their removal to anyone, or hear that anyone did? A-- Only that I was told they had been removed.

Q-- Did you give any instructions after that to the men that would take the place of those orders that had been removed?

A-- I talked to the train crews personally, as far as I could.

Q-- You tried to do verbally what you had endeavoured to do by giving written instructions in the orders that had been removed? A-- Yes,sir.

Q-- Were the trains delayed at all, owing to proper directions not being given? A-- Probably, for a day or two, yes.

Q-- Was there any serious delay caused by that?

A-- I wouldn't call it serious, no.

Q-- At any time? That is what I am trying to get at, was the efficiency of the service what it ought to have been, and if it was not, to what extent did it fail through not being efficient? A-- Speaking of specific instances,it probably wouldn't amount to much, but as a whole I consider it made quite a difference.

Q-- That is, through accident, or through the amount of work that might have been done if the men had been properly directed? A-- The amount of work that might have been done.

Q-- Not being done. Do you think that the loss from that

was serious? A-- I think as a whole it was, that is, judging by my past experience.

Q-- Well, you have had a great deal of experience?

A-- Yes, sir.

Q-- If the orders had been given, and properly carried out, would you have had a return of say 20 per cent. better than you had, or more or less than that? A-- I am not prepared to say what percentage.

Q-- But a very important percentage? A-- Yes, sir.

Q-- And the cost of the work would have been lower, would it, if the work had been done as you thought it should have been done? A-- Possibly, to some extent.

Q-- Would that be caused by delay to train crews?

COMMISSIONER J.A. ROSS: Was there any schedule on this railroad? A-- No, sir.

Q-- Were any records kept of train movements?

A-- Yes, sir. The despatcher's train sheet was kept every day.

Q-- Was there a schedule at Welland when you were in charge?

A-- No, only in regards to a schedule we adopted when building different tracks, to avoid confusion between the different tracks.

Q-- That was not done at Chippawa? A-- No, I didn't consider it was necessary on this job.

Q-- A train schedule was not necessary at Chippawa?

A-- No, sir.

THE CHAIRMAN: If the trains had been operated as you say they should have been, could you have got along with fewer trains than you had there?

A-- I would not say that we could have got along with fewer trains, but I believe we would have got a bigger output from the shovels, we would, at least, have had trains at the shovels more promptly.

Q-- Did they not always get to the shovels promptly?

A-- Sometimes, I believe there were shovel delays owing to waiting for trains that were delayed at the dumps owing to difficulties out there, but the trains as a rule came to the dumps very promptly.

COMMISSIONER M. J. HANEY: Did you take the trains from the steam shovel to the dump, or were they shunted around the "Y"? A-- They filled the cars directly from the shovels, and went straight to the dump, and returned to the shovel which they had left.

Q-- Was there not a yard between the "Y" and the dump that was used for switching? A-- Occasionally we would have to turn trains on the "Y".

Q-- Was there not a yard where the trains coming from the shovels would meet, and be taken by an independent crew to the dump? A-- No, sir.

THE CHAIRMAN: Is there anything further, Mr. Harris?

A-- I don't know as there is anything further I can say, Mr. Chairman.

Q-- If there were another work of this kind going on, what would you suggest might be done in the way of increasing the efficiency of the operations, and preventing what you have described to us already? A-- Well, on a work of that magnitude, and where the traffic is so heavy, I think that there should be a proper railway system from one end of it to the other, handled under one head, and kept separate from the other departments.

COMMISSIONER M. J. HANEY: Responsible to whom?

A-- Responsible to some man in charge.

Q-- Responsible to the General Manager, or Superintendent?

A-- Yes.

COMMISSIONER J. A. ROSS: Do you feel that the man directly in charge should be an experienced railroad man?

A-- Yes, sir.

Q-- Which you felt Mr. Scriven was not? A-- Yes.

THE CHAIRMAN: Who was this other man you spoke of, the train master? A-- Mr. Tilton.

Q-- You wouldn't have a man like that in charge?

A-- I would rather be excused from answering that question.

COMMISSIONER J. A. ROSS: Yes, Mr. Harris, you say that Mr. Scriven was not competent to handle that job; you must have some reason for saying that, otherwise your opinion is greatly modified in my estimation.

A-- I didn't say he was not competent to handle the job.

Q-- You said he was not a railroad man.

A-- I said I didn't consider he was an experienced railroad man.

Q-- What experience did he have? A-- I can't say.

Q-- Would you know anything about him at all? A-- No, sir.

THE CHAIRMAN: He had nothing to do especially with railroad work, this was only a small part?

A-- Part of the organization.

Q-- You say you wouldn't have an operating organization like that, you would have had the operations under the direct control of an experienced railroad man, who would be the responsible head of that work? A-- Yes.

THE CHAIRMAN: Mr. Gaby, have you any questions to ask Mr. Harris?

MR. GABY: Mr. Acres will question Mr. Harris.

MR. ACRES: Q-- Mr. Harris, before you came on the ship canal did you have any experience in handling construction work? A-- No, sir.

Q-- How long were you on the ship canal? A-- About three years.

Q-- And how much, have you any idea, yardage was handled during the time you were there? A-- I can't tell off-hand

what the yardage was?

Q-- How do you think it would compare with the yardage we handled here in the time you were on the work here?

A-- I think the yardage here was greater.

Q-- In view of your three years' experience on the ship canal would you consider yourself really competent to pass an opinion on the matter of the general policy to be pursued in handling the excavation and removal of 15 to 16 million yards of material as against the experience of men like Mr. Angell, Mr. Scriven and Mr. Stewart? A-- I am speaking, Mr. Acres, of this job in particular.

Q-- As connected with the job when these particular men were on this job? A-- Yes.

Q-- And those men had had experience before coming on this job. What I am trying to get at is, from your three years' experience in watching, and handling muck trains, would you consider that your opinion would be authoritative as against the opinions and preconceived ideas of men like Mr. Angell, and Mr. Scriven?

A-- I can only answer according to my experience.

Q-- Can you give your opinion?

COMMISSIONER M. J. HANEY: We have had no evidence as yet as to the experience of Mr. Angell, or Mr. Scriven, as to their ability to handle train service, and we are dealing with train service; Mr. Harris has given his opinion of Mr. Scriven's ability to handle trains.

MR. ACRES: Let me put it in another way: you base your opinion solely on your experience as a railroad man?

A-- Yes, sir.

Q-- Not as a construction man? A-- No.

Q-- Your viewpoint is centred in one direction, that is in the matter of railroad operation? A-- Exactly.

Q-- Not from the standpoint of efficiency or progress of the work as a whole? A-- That is not my intention.

Q-- You are just speaking of the railroad itself? A-- Yes.

Q-- Where was your centre of activity on the Queenston work, during that three year period? A-- I was located in the Inspector's office.

Q-- You were there practically all the time?

A-- There, or on the line.

Q-- Within what maximum areas would your duties require your presence? A-- From the N. S. & T. Railway Bridge to Queenston.

THE CHAIRMAN: What distance is that?

MR. ACRES: That would be about 7 miles of track.

Q-- Did your duties carry you as far as the St. David's dump?

A-- No.

Q-- Just to the entrance of the spur to the dump? A-- Yes.

Q-- Your duties didn't call you within approximately three miles of the Montrose dump? A-- No.

Q-- Would you have any opportunity of getting first-hand knowledge as to the effect of the dumping operations on the train service? A-- Only so far as it concerned the work in my territory.

Q-- I asked you if either dumps were on your territory, and I believe you said they were not. A-- They were not. The trains were leaving my territory, and came back from the dump.

Q-- You would have no first-hand knowledge from observation within your jurisdiction as to what effect the dumping operation had on the train service? A-- No, sir.

Q-- Any opinion you could give would be more or less hearsay, and deduction, not from observation or from any necessary work you had to do in connection with your duties?

A-- No, sir.

Q-- When you suggest that the ideal arrangement would be to have the train service worked as you have told us, wholly and independently under one head, I understand you to mean that

before anybody in authority on the work could move a loading track, or connect a tail track to the main line for running in a shovel, or getting out a shovel, or in case there was a bad slide at the dump, to be able to run in a half-mile of track somewhere else over night, do I understand that the chief despatcher should be the man who would have final authority as to when and how that should be done? A-- Absolutely, no.

Q-- Do you think that having the train moved from one end of the job to the other, where the control was under one single head, one jurisdiction, that there would be any interference from the construction standpoint in the matter of handling emergencies on the dump, and connecting up switches, tail tracks, etc. for moving shovels and loading tracks?

A-- I don't think so.

COMMISSIONER M. J. HANEY: That would be the work of the Superintendent, would it not? A-- Yes, sir.

MR. ACRES: You mean that the Superintendent would have to consult you before he did any of these things?

A-- Oh, no, we would be notified so we could control the trains going over thatpart of the line.

Q-- Would you consider that the first requirement of a Superintendent, in the matter of moving earth or rock effectively and cheaply, is that he should be an expert railroad man?

A-- Where the traffic ran into other places, I would say so.

Q-- In other words, you consider you, as an expert railroad man, could move earth and rock to better advantage than Mr. Angell or Mr. Scriven? I ask you whether you consider it a necessity that the man who is working to efficiently move earth and rock should be an expert railroad man? A-- Yes, sir.

Q-- In other words, you would consider yourself, as an expert railroad man, competent to move earth and rock more effectively, and could do it cheaper than Mr. Angell or Mr. Scriven?

A-- So far as it concerns the movement of trains.

Q-- You consider that is the first necessity in the matter of economy and efficiency; there is nothing else that counts as much in the operation of shovels, and has to do with the progress of drilling, shooting, and the laying out of work for the shovels as the question of despatching of trains, that is of th first importance? A--No, I don't wish to convey that at al

Q-- That was the impression you gave me in answer to my questions. A-- I didn't intend to convey that impression at all.

Q-- So then you don't think that train despatching is the first requirement of efficiency in the removal of earth and rock, and that it requires an expert railroad man?

A-- I do with reference to such traffic as there is on that line.

Q-- In other words, an experienced conductor, or experienced brakeman, or experienced despatcher, would have done a better job of work than the men we had in charge. You say that in face of yourthree years' experience in construction work, you think that is the case? A-- Yes.

MR. ACRES: Mr. Chairman, would it be all right if I offered some evidence on this matter?

THE CHAIRMAN: Yes, I think so.

MR. ACRES: I would like to ask Mr. Buck to give his opinion; he has been superintendent of railroad work, and maintenance, since the beginning of the work.

THE CHAIRMAN: Has Mr. Buck been referred to in Mr. Harris' evidence at all?

MR. HARRIS: No, sir.

MR. ACRES: Mr. Buck is in charge of construction.

THE CHAIRMAN: Let Mr. Buck come in.

MR. ACRES: Perhaps it might be convenient if Mr. Buck would ask Mr. Harris a few questions.

THE CHAIRMAN: Certainly.

THE CHAIRMAN: Mr. Buck can ask Mr. Harris any questions, and Mr. Harris can ask Mr. Buck any questions.

MR. BUCK: Q-- Mr. Harris, in regard to this evidence you have given before this Commission, were you approached in any way to give evidence to damage the Commission in any way? A-- Well, I can't say that I was directly.

Q-- Or indirectly? A-- I might have been asked a question about it.

Q-- Have you told any gentlemen that you were approached in this way, that certain men would give you a job if you gave certain papers or evidence?

THE CHAIRMAN: Answer his question, Mr. Harris.

A-- I may have made some remark, yes.

MR. BUCK: Which gentleman did you refer to as giving you a job if you handed in certain papers?

A-- I don't think there was anything definite said on that line whatever.

Q-- I can bring witnesses to that effect, if the Commission cares to go into it. That is all I have to ask Mr. Harris.

THE CHAIRMAN: You should answer Mr. Buck's question; if anyone promised you anything for you to come here and testify against the Commission, you should tell it.

A-- I made no arrangement whatever, Mr. Chairman, or never accepted anything.

Q-- Did you tell anybody you had been approached by someone and promised a job if you would come here and testify?

MR. BUCK: By a member of the Ontario Government?

A-- The matter was spoken of to me, yes.

THE CHAIRMAN: You had better tell Mr. Buck what was said, if anything? A-- By a member of the Provincial Government.

Q-- What member was that?

A-- I don't think that is a fair question.

Q-- Certainly; you should answer that question. If anyone told you that if you would come here and testify against the Commission you would get a job, you ought to tell?

A-- There was nothing said definitely in that line.

Q-- Was there anything said at all?

A-- Probably hinted at, that is about all I took out of it.

Q-- You had better tell Mr. Buck fully who it was, and what was said? A-- Mr. Greenlaw called on me, from St. Catharines.

Q-- Who is Mr. Greenlaw? A-- Member for that county.

Q-- What did he tell you? A-- He asked me considerable in regard to it.

Q-- Do you say that he made a promise to you?

A-- No, he made no promise.

Q-- He made no promise? A-- No.

Q-- What passed between you? Did he speak to you and ask you to come here and testify, and suggest if you did it would be to your advantage? A-- Probably he suggested it, yes.

Q-- What were his suggestions? A-- I don't remember, at the present time.

Q-- If you don't remember you should not tell people about it. Try to remember. If you came and told a lot of these people about it, you ought to be able to remember it now.

A-- Anything I was told about it was just a few casual remarks, that is all.

Q-- What were the casual remarks? A-- I don't remember, it was some time ago.

MR. BUCK: Did you take a trip and take it up with any other member of the Government, apart from Mr. Green[illegible]

THE CHAIRMAN: When was this interview with Mr. Greenlaw? A-- Early last summer.

COMMISSIONER M. J. HANEY: Mr. Greenlaw isn't a member of the Government.

THE CHAIRMAN: Mr. Greenlaw is a member of the Legislature.

MR. BUCK: Did you take it up with any other member of the Government? A-- I talked it over, yes.

Q-- What member of the Government did you take it up with?

A-- Mr. Drury.

THE CHAIRMAN: What about Mr. Drury?

A-- I had a talk with him in regard to it.

Q-- In regard to what you have told us to-day?

A-- No, no, in regard to my position on the Hydro.

Q-- What did he say to you about it?

A-- In regard to giving evidence here.

Q-- What passed between you? A-- I can't say at the present time.

Q-- You ought to be able to tell, if you had an interview with the Premier I should think you would know what passed between you. A-- No more than just the conversation of it, that is all.

Q-- You say you went to him. Did he ask you to go to see him? A-- Yes, sir.

Q-- Had you written to him? A-- No, sir.

Q-- What passed between you when you saw him?

A-- Just merely conversation in regard to the Chippawa work.

Q-- What part of the Chippawa work did you talk about?

A-- He asked me certain questions in regard to the work over here.

Q-- What did he ask you? A-- I can't remember to-day.

Q-- He asked you about the work over here; what did you tell him? A-- I told him in regard to it, as far as I knew.

Q-- Do you recollect what you told him?

A-- It is some time ago.

Q-- Try to recollect. I can recall things that took place a good while ago. Don't you recollect what you said to him about the work over here? A-- Not all the conversation, no.

Q-- Do you recollect what he said to you?

A-- He seemed to be anxious that I would appear before the Commission to give evidence.

Q-- Is that from what you told him of what you knew about the work over here? A-- Yes, in regard to that.

Q-- He said you should come before the Commission to give evidence; did he say anything else to you?

A-- I can't say that he did.

Q-- You can't say that he did? A-- No.

Q-- You have no recollection of anything else being said at all.

Anything more, Mr. Buck?

MR. BUCK: Not from Mr. Harris.

THE CHAIRMAN: Anything, Mr. Gaby?

MR. GABY: No.

THE CHAIRMAN: Anything Mr. Acres?

MR. ACRES: NO.

THE CHAIRMAN: Do you wish to say anything Mr. Pope?

MR. POPE No, sir.

MR. GABY: Except I would like Mr. Acres to point out that the operation of the railway is not the most important thing, and essential, in the handling of rock and earth on this job.

COMMISSIONER M. J. HANEY: It is one of the elements that enter into it.

MR. GABY: Yes, it is one of the elements, but only an auxiliary service, and as far as Harris is concerned, his work was only a small part of that auxiliary service.

COMMISSIONER M. J. HANEY: It is not an auxiliary

service, but part of the whole service.

MR. GABY: It is the auxiliary service for handling rock and earth, and superintendents were in control of the auxiliary service, as well as the main service, the road was divided into sections.

MR. ACRES: I do not wish it to be inferred by the Commission that we look upon the railway as a minor factor it is very important and vital, but it was only one of the important features, and Mr. Harris's viewpoint was, I think I am fair in saying, a more or less restricted viewpoint from the standard of railway operation.

COMMISSIONER M. JL HANEY: You can load all the rock you can, as far as cutting is concerned, but unless you move it you aren't doing anything; the train service is part of the whole operation.

MR. ACRES: Yes, part of the whole, you must keep the trains under the shovels.

COMMISSIONER HANEY: I understand it was Mr. Harris' duty to look after the cars when they came to a certain point on the work, trains coming from the shovels, would be under his jurisdiction, and it was his duty to facilitate the movement of those cars, with the greatest possible expedition, particularly in those days.

MR. ACRES: The whole point about it is, that Mr. Harris is placing his three years' experience as against other men who have had an experience of a life time.

THE CHAIRMAN: Who were those men?

MR. ACRES: Mr. Buck, and Mr. Scriven.

THE CHAIRMAN: What was Mr. Buck's position with regard to Mr. Harris?

MR. ACRES: Mr. Buck had charge of the building of the construction railway, and its maintenance.

COMMISSIONER HANEY: Mr. Buck had nothing to do with

the movement of trains?

MR. ACRES: No, his job was to keep the path clear.

MR. HANEY: To keep the cars on the track?

MR. ACRES: Yes. And the whole point about it is: Mr. Harris, with three years' experience on construction work, as against the lifetime experience of these other men; and it is a question as to how far Mr. Harris should have jurisdiction, whether the responsibility of the chief despatcher should extend to the whole work or be restricted to the particularly congested part of the work, where train despatching was the principal element as affecting the expediting of our operations as a whole. The big factor in the operation of the "Y" was the despatching of the trains, and Harris had jurisdiction there; his job was to keep these trains moving, and if he couldn't keep the trains moving fast enough, with expedition, he was answerable.

COMMISSIONER HANEY: Between certain points?

MR. ACRES: Yes.

THE CHAIRMAN: You have mentioned Mr. Buck as one man who has had a long experience, who were the others?

MR. ACRES: Mr. Angell, Mr. Scriven, and Mr. Tilton.

THE CHAIRMAN: They have all had experience?

MR. ACRES: Yes, as despatchers, they didn't handle the key, but have had a lifetime's experience in handling earth and rock, and keeping the cars under the shovel. The problem is not one of despatching, but keeping the trains under the shovels. During the progress of the work we had foremen's meetings, I presided at those meetings, which were held weekly, when we would have as many as 200 foremen, and we would discuss these problems, and we gave

very serious consideration to the question of despatching, and the extent to which it was to be considered purely a despatching problem. The principal factor on that job was 'production'. In these discussions that took place with these foremen, Mr. Angell and Mr. Scriven participated in the discussions, and Harris had an opportunity to voice his opinions, but I have no distinct recollection of Mr. Harris having submitted any very impressive proposals that carried much weight with me, or any of us. We were conserned with the problem as a whole, and not strictly with the problem of despatching trains. Mr. Harris is quite sincere in his ideas, and I may say that he was in rather an unfortunate position, because I engaged him before the actual work he was to do was really in existence, simply because at that time he had been let out from the work at the ship canal, and I knew he was a good man for this work, that he came highly recommended to the ship canal, and was a man I thought would be useful to us. I had in mind the operation of a main track service, intending to operate the railway substantially along the lines adopted on the ship canal, but, as I mentioned before, our prearranged programme was distorted beyond all recognition, first by the fact we could get no satisfaction whatever from the Grand Trunk regarding the crossing -- we got no consideration from the Grand Trunk whatever until the appointment of Mr. Howard Kelley as President. The information I got was to the effect that the Grand Trunk considered our application for a crossing was merely a camouflaged radial scheme, that we were using this construction work as a means to driving the first wedge in the radial scheme, and we got no consideration whatever. The Grand Trunk held us up for six months of vital time.

In the meantime, we had started construction work at the Whirlpool, but couldn't get over the Grand Trunk Railway

to commence work at the dump between the Grand Trunk and Queenston, and our operations were penned up in a short distance, and we were unable to complete the construction railway, we didn't really complete the construction railway until 1920, in all its details. We were disappointed in not being able to follow the programme we had laid out with regard to constructing and operating our railway along the lines adopted at the ship canal, and had to abandon our plans for a service railway, and Harris didn't get the job I gave him to understand he would have.

COMMISSIONER HANEY: What was the nature of the objection to your crossing the Grand Trunk, were you crossing underneath the Grand Trunk?

MR. ACRES: It was an under-crossing of the Grand Trunk and Wabash.

THE CHAIRMAN: And the Grand Trunk showed no desire to permit it?

MR. ACRES: No, they utterly ignored us.

THE CHAIRMAN: I thought it was the C.P.R. who was your enemy.

MR. ACRES: We are not involved with the C.P.R. in this particular instance.

THE CHAIRMAN: How did you eventually get under the Grand Trunk track?

MR. ACRES: Along the lines of the original proposal.

THE CHAIRMAN: Was it by mutual arrangement, or by an order of the Dominion Railway Commission?

MR. GABY: We finally got an order from the Railway Commission.

MR. ACRES: We had no trouble whatever with the Michigan Central, they behaved splendidly.

THE CHAIRMAN: Is that why you built them such a

fine bridge?

MR. ACRES: We were in their hands. We did not build a better bridge for them than we did for the Grand Trunk, but built in a worse place, that is the main trouble there; building a bridge on rock is a simpler proposition than building on piles 80 feet from rock.

THE CHAIRMAN: You heard what Mr. Harris said about instructions he gave to engineers, to facilitate the work being done, and the instructions were taken off the cars.

MR. ACRES: That was hardly the case, Mr. Chairman the question of instructions to the train crews was again involved in this question of facilitating production, and we discussed what the rules should be, and had to change the rules from time to time to see if we could get something that would harmonize with our necessities.

COMMISSIONER HANEY: Naturally, printed rules and regulations would come from the General Manager, would be signed by the General Manager, or General Superintendent, not by the train master.

MR. ACRES: They are signed by the General Construction Superintendent.

COMMISSIONER HANEY: Were those rules and regulations signed by the train master?

MR. ACRES: No.

THE CHAIRMAN: By whom were they signed, Mr. Harris?

MR. HARRIS: By Mr. Angell.

COMMISSIONER HANEY: And turned down by him?

A-- That was instructions to the train crew.

THE CHAIRMAN: Who signed them?

A-- I signed them.

COMMISSIONER HANEY: Your rules for the regulation of train movements, issued from headquarters, are generally signed by either the Superintendent of the Division, or by

the General Manager.

MR. ACRES: These rules and regulations presented a big problem: there was a continual conflict in evolving these rules between what was applicable to a standard railway, and what was applicable to a purely construction proposition, and we finally did evolve rules and instructions, about which I can give evidence later on. I thought it well to point that out.

Another thing I might say that made it rather hard for Mr. Harris on this job was, that he had the unfortunate faculty of discussing matters ot the operation of the work out there with various people, more or less promiscuously, and these stories came back direct to me. I don't know of anything that is more annoying or exasperating to men responsible for the construction work, under rather tense conditions, than to realize that there is disloyalty among his staff.

COMMISSIONER HANEY: Why did you retain him?

MR. ACRES: I felt under certain obligations, Mr. Haney, to keep him on and see if we couldn't have him handle the despatching.

COMMISSIONER HANEY: Make him loyal?

MR. ACRES: Yes, if you like. I may have been mistaken, but it was with the best intentions; I don't think the job suffered by it at all.

Mr. Harris has spoken of delays, and I think from what he has said he has shown conclusively that Mr. Harris was conversant with the conditions which would give rise to a train crew having to wait somewhere.

COMMISSIONER HANEY: Are the train sheets in existence to-day which recorded all the causes of delays?

MR. ACRES: I think so.

COMMISSIONER HANEY: At both ends of the line, at the shovel or dump?

MR. ACRES: Yes. Mr. Buck is available if you want to ask him anything, he can give his experience.

THE CHAIRMAN: Mr. Buck, perhaps I did not follow you as closely as I might have done just now, but I think that you made the suggestion that Harris had made statements that a certain promise had been made to him if he would come here and testify against the Hydro Commission.

MR. BUCK: - I think that that is right. I heard from three different sources, different chaps Harris had spoken to about it; it is absolutely hearsay, but I think it is the privilege and right of a man to bring out the full facts of the case, and so collaborate the evidence given by Harris as to appearing before the Commission.

COMMISSIONER J. A. ROSS: Your statement was, that Harriswas to come here and testify against the Commission; what you now say is that Harris was to come here to testify before the Commission. There is a big difference.

A-- That is technical.

Q-- Your first statement to us was that Harris was to come here and testify against the Hydro Commission?

A-- Yes, against the Hydro Commission.

Q-- Is that what you mean? A-- Absolutely, I didn't charge him with that, I asked if he had done that.

THE CHAIRMAN: What was Harris' reply to that?

A-- Harris acknowledged it.

MR. HARRIS: I acknowledged.

THE CHAIRMAN: You acknowledged that you had told?

A-- Not that I had been offered a position.

Q-- What did you say? A-- It had been hinted at.

Q-- What? A-- Nothing more was said, only exchanged a few remarks concerning it.

Q--Tell us what was hinted at? A-- Mr. Buck suggested --

Q-- Repeat in your own words, and tell what was said.

A-- I was approached to testify against the Commission, and I had been offered a position.

Q-- Did you tell some people you had been approached, and asked to testify against the Hydro Commission, and told that if you would do so you would be given a position?

A-- It was not said in those words.

Q-- Tell what words you did say. A-- It was hinted at.

Q-- What had been hinted at? A-- Possibly something might come out of it.

Q-- Come out of what? A-- Testifying against the Commission.

Q-- What might come out of it? A--There might be a position of some kind.

Q-- Now whom? A-- For myself.

Q-- Who promised you that? A-- No one promised me anything.

Q-- Who hinted to you that if you would come here and testify against the Commission that you might get an office.

A-- I can't say it was hinted at.

Q-- You can't say it was hinted at? A-- That is the way I construed it.

COMMISSIONER J. A. ROSS: It was your desire, or hope? A-- Put it that way, yes.

COMMISSIONER HANEY: What position were you to get?

A-- Nothing said about a position in particular.

Q-- Where did you think you would fit in?

A-- I understood it was more or less of a problem myself.

Q-- That was very indefinite, evidently.

THE CHAIRMAN: What was said that you took as a hint to you that if you would come here and testify against the Hydro Commission you would get an office for doing so? What was said? I think when you make a statement like that you should tell very fully what was said and who said

it to you? A-- It was not any more than a general conversation regarding the work on the Ship Canal; I construed from the remarks made that it was desirable I should come over here and testify against the Hydro Commission.

Q-- There is nothing wrong about that. What more was said? A-- I can't give you the exact words; I took the meaning that probably there might be a position come of it

Q-- Who would give you the position? A-- That was not stated, nothing was said in regard to that as to who would give it to me.

HON. MR. CARMICHAEL: With whom was the conversation? A-- With Mr. Greenlaw.

THE CHAIRMAN: Did you have a conversation with anyone else about it? A-- With Mr. Drury.

Q-- What took place between you and Mr. Drury?

A-- Practically the same as with Mr. Greenlaw.

Q-- Just tell us what you said to Mr. Drury, and what Mr. Drury said to you. A-- I told Mr. Drury that I didn't care to do anything that would injure Mr. Acres, in any manner shape or form, that I thought a great deal of him.

Q-- Did Mr. Drury ask you to come over here and testify to something that would injure Mr. Acres; did Mr. Drury ask you to come over here and testify against the Hydro Commission?

A-- He didn't ask me to testify against them.

Q-- Did he say, if you had anything to say you should say it to us? A-- Yes.

Q-- Did it go any further than that?

HON. MR. CARMICHAEL: I would like to know if there was any offer of a position from that quarter.

THE CHAIRMAN: Yes. You heard what Mr. Cramichael said, tell us. A-- Which quarter?

HON. MR. CARMICHAEL: Mr. Drury; you have been talking about a hint given in casual conversation you had

with Mr. Drury.

A-- I said that I construed it might be something of that sort, from the conversation, nothing directly.

Q-- That was a conversation with Mr. Drury? A-- Yes.

THE CHAIRMAN: You should tell us what Mr. Drury said from which you could construe anything of that kind. Did he say directly that if you would come over here and testify you would get an office? A-- No.

Q-- Did he say anything from which you could draw that conclusion? A-- I might have been mistaken in his intention.

Q-- Tell us what he said. A-- I can't tell you what he said, I don't remember what he said.

Q-- I think you should be very careful, when you make a statement like that, to say exactly what was said to you, so there cannot be any misunderstanding about it. Did you say to anyone that Mr. Drury said something to you, or what did he say from which you could infer that if you would come over here and testify against the Hydro Commission you would get an offer of a position from him?

A-- He said if I knew anything that would be of assistance to the Commission at all he considered it would be my duty as a citizen of the Province of Ontario to appear before the Commission.

Q-- If you knew anything, it was your duty, as a citizen of the Province of Ontario, to state it to the Commission?

A-- Yes.

Q-- How could you construe from that that you were to have any office? A-- I don't know how I got the impression.

Q-- Did you think because you were doing your duty as a citizen of the Province of Ontario that you were going to get an office for it?

COMMISSIONER R. A. ROSS: A reward of virtue.

THE CHAIRMAN: Did Mr. Drury promise you any office if you would come? A-- No, sir.

Q-- Did he say anything to you particularly from which you could construe such an offer? A-- I believe I mentioned that if I testified against the Hydro Commission here, or gave any information detrimental to their interests, it would only revert back on myself, and he remarked, not to worry about that.

Q-- If you were to come here and do your duty as a citizen, you should not worry? A-- I think I got the impression in that way.

Q-- Was anything more than that said? A-- No.

Q-- You told him if you came over here and testified against the Hydro Commission you would have no chance of getting anything from them, and he said you should not worry about that?

A-- Yes.

Q-- Was there anything more? A-- No.

Q-- That is what made you construe it was an offer of an office? A-- Yes.

Q-- You are sure there was nothing more than that?

A-- Yes.

Q-- You are positive? A-- Yes.

Q-- That is not a very good foundation to build a hope of an office on.

Mr. Pope, do you wish to ask any questions?

Q-- Did you make an application to the Hydro for a job?

A-- Two months later, I think, I sent in an application and asked if there was any positions open.

Q-- Did you receive a reply? A-- I received a reply that there were none open.

Q-- Was there a prospect of getting a position later on?

A-- I don't know I am sure.

Q-- Was anything said about that? A-- They would place

my name on fyle.

Q-- That is encouraging -- you had just as much hope from them.

COMMISSIONER HANEY: What position did you apply for, Mr. Harris? A-- Something in the railway line, that was available.

Q-- They are not operating a railway to any extent now, are they? Was it on the radials you expected to get a job?

(No answer).

MR.POPE : Mr. Harris, are you an American or Canadian citizen? A-- Canadian.

Q-- Where is your home? A-- St. Catharines.

Q-- Do your people reside there? A-- No.

Q-- Where are your parents? A-- Stratford.

Q-- Where were you born? A-- Stratford.

Q-- Were you on the Grand Trunk at one time? A-- Yes.

Q-- When? A-- Previous to 1914.

Q-- In what capacity? A-- Assistant Agent, telegraph operator, and train despatcher.

Q-- At Stratford? A-- At various places on the line.

Q-- Under what Superintendent? A-- Under different superintendents.

Q-- You were with the Grand Trunk from what period to what period? You say you were agent? A-- Assistant agent

Q-- Where, at Stratford? A-- Drumbo.

Q-- You became an operator? A-- Yes, and from there to Goderich, and then to Stratford.

Q-- What length of time were you with them?

A-- About six years.

Q-- You left them when? A-- In 1914.

Q-- Of your own accord? A-- Yes.

THE CHAIRMAN: When was it you made this application for a position to the Hydro? A-- I don't just remember

the date, I think somewhere last September.

Q-- I suppose it is still on fyle? A-- Naturally.

MR. POPE: When did you see the Premier, previous to that? A-- Yes, a couple of months before.

THE CHAIRMAN: His hopes were evidently centered on the Hydro.

Q-- You said it was two months before you had seen the Premier, how long before that had you seen Mr. Greenlaw? You spoke of having had an interview with Mr. Greenlaw.

A-- Sometime before June.

Q-- What month would it be in? A-- The first part of Jun

THE CHAIRMAN: Do you want to ask anything, Mr. Buck?

MR. BUCK: Unless you wish to take hearsay evider of the chaps to whom he told his story.

THE CHAIRMAN: Just as you like.

MR. BUCK: It doesn't matter to me at all; the facts are well enough established, for what they are worth.

THE CHAIRMAN: I think if there is anyone here to whom Mr. Harris has made any statement, they had better come right here and tell what they know about it.

ARTHUR BRADLEY.

THE CHAIRMAN: Mr. Bradley, you have been here all this morning? A-- Yes, sir.

Q-- And you have heard what has passed? A-- Yes.

Q-- What did you tell Mr. Buck about Mr. Harris, and what dic Harris tell you? A-- Why, the conversation between Mr. Harris and I was on a trip to Toronto, about last Spring, and Mr. Harris told me then about his intentions in connection with going over to Toronto and seeing Mr. Drury.

Q-- But Mr. Harris has said just now that his interview with Mr. Drury was two months before September, it would be in July. A-- It was sometime in the early part of

the Summer, I am not quite sure of the date. He just simply said he was going over to see Mr. Drury.

Q-- He was going over? A-- Yes, and I reported the conversation to Mr. Buck.

Q-- Did you see Harris after he had been over to see Mr. Drury? A-- Yes, I did, I was with him when he came back

Q-- What did he tell you then, did he say anything to you?

A-- He said he had seen Mr. Drury and there was a possibility opened up to him of a position.

Q-- Go on. A-- That is sufficient.

Q-- Did he say that he had been told by Mr. Drury, that if he would come before us and testify against the Hydro Commission, he would get a position? A-- I don't think the was anything like that mentioned.

THE CHAIRMAN: Are there any questions you would like to ask, Mr. Pope?

MR. POPE: Q-- What did Harris say to you?

A-- I just reported it.

Q-- What did Mr. Harris say to you on the way over?

A-- He said he was on the way over to see Mr. Drury.

Q-- For what purpose? A-- In connection with the possibility I reported.

Q-- You might tell the Commission what is your recollection?

A-- It is just what I told the Chairman, I don't intend to get tangled up at all.

Q-- Tell what took place. A-- I did, sir, that was all.

Q-- I refer to your first interview on your way over to Toronto. A-- I was not the only one that Mr. Harris told, there were several others; it is common knowledge, and I was simply protecting my employers from any misinformation in connection with the operation of the railway, therefore I explained to Mr. Buck in connection with the conversation I had with Mr. Harris, thinking it might have some bearin

on Mr. Harris' information here to-day.

MR. BUCK: I might say, for the protection of the gentlemen giving evidence, that I talked with certain men I thought would know about this. We have to protect ourselves and our employers, we have been working for them for the last six or seven years, and still working for them.

THE CHAIRMAN: Mr. Bradley, are you working for the Hydro?

MR. BRADLEY: Yes, sir.

THE CHAIRMAN: You told us all that passed between you and Mr. Harris? A-- Yes.

THE CHAIRMAN: Do you wish to ask Mr. Bradley any questions, Mr. Buck?

MR. BUCK: No, sir.

MR. BUCK: I wish to call George Lowry.

GEORGE LOWRY:

THE CHAIRMAN: Are you employed on the Hydro?

Q-- I have been, I am not at present.

Q-- You have been here during the hearing of this evidence this morning? A-- Yes, sir.

Q-- Did you have any discussion with Mr. Harris about these matters? A-- Nothing more than that we told me at one time that he had been or was going to Toronto to see Mr. Drury. That is practically all.

Q-- What was it he told you then?

A-- I do not think I can tell you, sir, just when it was, but it was sometime around the 1st of August, I think.

Q-- He told you he was going to Toronto?

A-- I am not certain whether he told me he was going, or had been.

Q-- What was his purpose in going to see Mr. Drury?

A-- Well, in connection with the evidence in connection

with the Gregory Commission.

Q-- Didn't he go more into detail than that, and tell you what kind of evidence? A-- Nothing more than just evidence in connection with his own work.

Q-- And he was going to see Mr. Drury?

A-- As I understood it, yes.

Q-- And tell Mr. Drury about his experience and his work on the Hydro? A-- I don't know what he was going to tell him.

Q-- He didn't tell you what he was going to tell? AQ- No.

Q-- Did he tell you that in return for giving evidence he was to be given an office? A-- Not that he was to be given an office, that he hoped or expected -- he didn't say he was to be given an office at all.

Q-- You don't know whether it was before or after he had seen the Premier? A-- I am not certain, I wouldn't be certain enough to say.

Q-- Was there anything else that passed between you? A--No.

THE CHAIRMAN: Is there anything, Mr. Pope, you wish to ask?

MR. POPE: No, sir.

THE CHAIRMAN: Any questions, Mr. Buck?

MR. BUCK: No, sir.

HERBERT McINTOSH.

THE CHAIRMAN: What is your position, are you on the Hydro? A-- No.

Q-- Were you on the Hydro? A-- I was.

Q-- You have heard what has been said about Mr. Harris, and we have been told that he made a statement to you about it?

A-- Yes, sir.

Q-- What did he say to you? A-- I met Mr. Harris at 15 Beach, Port Dalhousie, last summer.

Q-- When? A-- On Civic Holiday, last summer.

Q-- That would be the first Monday in August? A-- Yes.

Q-- What passed between you? A-- In conversation with Mr. Harris he told me he had been over to see Mr. Drury, and had shown him his reports, and he had the promise of a job.

Q-- Reports of what? A-- I don't know what reports.

Q-- And he offered a position to him? A-- Yes, where, he didn't say.

Q-- What position was this he was to get?

A-- He didn't tell me what position he was to get.

Q-- Was he to get it right away? A-- He didn't say.

Q-- Was there anything more said about it? A-- No, nothing more.

Q-- He said nothing more than what you have told us?

A-- I just asked Mr. Harris what he was doing, and if he had any prospects, and that is what he told me.

Q-- He told you he had the prospect of a job? A-- Yes.

Q-- What the job was, and when he was to get it, he didn't say? A-- No.

THE CHAIRMAN: Mr. Harris, have you anything to say about that?

MR. HARRIS: I might ask Mr. McIntosh if I said anything about having showed reports?

MR. McINTOSH: You said you had taken your reports over to Mr. Drury.

MR. HARRIS: I think you are mistaken.

A-- No, Iam not.

COMMISSIONER HANEY: Had you any written reports?

MR. HARRIS: No.

Q-- You reported this conversation to Mr. Buck, did you, Mr. McIntosh?

MR. McINTOSH: I reported it to Mr. Dockstader.

THE CHAIRMAN: Who is Mr. Dockstader?

A-- He was my foreman on the Canal.

MR. BUCK: Mr. Dockstader is in charge of electric locomotive repairs on the job, and I have spoken to Mr. Dockstader about it.

THE CHAIRMAN: It was Mr. Dockstader who spoke to you?

MR. BUCK: Yes.

THE CHAIRMAN: You arranged for Mr. McIntosh to be here?

MR. BUCK: Yes.

COMMISSIONER HANEY: Mr. McIntosh, were you in the employ of the Hydro in August? A-- No, I was not.

THE CHAIRMAN: Is there anything more, Mr. Pope?

MR. POPE: No.

THE CHAIRMAN: Mr. Buck, do you want to ask any questions?

MR. BUCK: No, sir.

THE CHAIRMAN: Mr. McIntosh, you made some statement I did not understand about a man named Hoorigan.

A-- In regard to my statement about Mr. Hoorigan; I was working under Mr. Hoorigan, and it was a personal dislike I had for that gentleman.

Q-- What is it you said about Mr. Hoorigan?

A-- I don't just remember -- if you have it there.

Q-- You said something about him being very extravagant?

A-- No, sir, I didn't.

Q-- I am informed you did say that; you say you didn't say that? A-- No.

Q-- Can you say whether or not he was extravagant?

A-- I was not in a position to judge Mr. Hoorigan.

Q-- What have you said about Mr. Hoorigan?

A-- That I didn't like him, in regard to my work; I was working for him at the time, and I will say he was not a man

to work for.

Q-- What was wrong with him? A-- He thought ten hours a day was not enough for a man, that is all I can say about him.

Q-- Is that all? A-- That is all.

Q-- You thought ten hours a day was enough? A-- I did.

MR. ACRES: Mr. Hoorigan had charge of the construction --

THE CHAIRMAN: Mr. McIntosh, you know nothing against Mr. Hoorigan except he wants you to work more than ten hours? A-- That is all, sir.

THE CHAIRMAN: Anything more, Mr. Buck, any others here?

MR. BUCK: No others.

THE CHAIRMAN: Nothing more, Mr. Harris.

MR. ACRES: Mr. Gregory, would you care to have some evidence from Mr. Buck personally?

THE CHAIRMAN: Certainly.

MR. ACRES: Would you care to hear from Mr. Dockstader, and the men interested?

THE CHAIRMAN: Mr. Buck, what have you to say about your railway?

MR. BUCK: I have been following construction work for twenty-five years, and I never saw a railroad that was constructed or better handled, in my life.

THE CHAIRMAN: Did you think Harris was a very capable man? A-- He was in his own department, as a despatcher; but he handled a very minor part of the railroad; the shovel tracks, and tracks above the N. S. & T. Railway were handled by the construction department, with a superintendent, and walking bosses, and the tracks at the main dump. I have no reason to believe Mr. Harris is not

capable as a train despatcher.

Q-- You heard what he said about the line not being operated to its full capacity on account of it not being properly run, he said it was not run 100% efficient owing to his not having a freer hand. A-- I think it was 100%, in my opinion. There are lots of difficulties in connection with the work, with washouts, and so on, I cannot pick any holes in the work.

Q-- Is there anything further you can say bearing directly on this subject? A-- Not unless you ask me.

Q-- No question occurs to me just now; you would know better than I; if there are any matters bearing directly on this subject I wish you would speak of them.

MR. ACRES: Mr. B uck might give some information as to the bearing of the despatcher's duties on the shovel tracks, loading and dumping tracks, in order to accomodate the work planned for the next day, and of the particular method of operating these things to get the cars to and from the shovel.

MR. BUCK: Of course, the despatcher has nothing to do with those duties whatever, they must necessarily be under the General Superintendent. There are a great many slides from time to time, a great many shovel movements, and of course the effort is to get the maximum efficiency. Slides go out over night and it necessitates a lot of rush work. The main object was to get the maximum efficiency, and keep the trains under the shovels, and that meant the track had to be kept up on the main line shovel tracks. I think everything was done that could be done to maintain that service. As far as train despatching, in regard to construction work, is concerned, in the "Y" - I suppose you gentlemen are familiar with it - there were trains coming from Queenston in one direction and Montrose in another dir-

ection, and going to and coming from the dump, and disposal, and the only way those trains could be operated was by the train despatcher - which was done. But when you get into the shovel operations, the train despatcher can't benefit the work in any way whatever, it has to be done by the men actually in the field. The way it was done, the digging operations were under the jurisdiction of Mr. Scriven, he had two or thre assistants under him, and at each shovel there was a foreman. At the top of the inclines, and cross-overs - there are two main tracks on each incline - there was a telephone operator. The operator telephoned information as to the progress they were making at the shovel. I might say, first of all, there is one main construction operator up on the heavy end , at the head of the track, and the shovel operators would keep the main despatcher acquainted with the progress, and would tell him how soon the train would be finished loading, and so on. The despatcher would telephone to the despatcher at the cross-over, and at the incline, so there would be no delay to the trains, and to enable them to keep trains under every shovel, and keep an even distribution under all shovels. On a work of that kind I do not see personally how it could be benefited by having a chief despatcher such as you have in the operation of a railroad being operated in the regular way.

COMMISSIONER HANEY: Harris only had charge of the trains after they arrived at the incline?

A-- No, on the section between the N. S. & T. Railway and Queenston and the "Y".

COMMISSIONER HANEY: The points were defined?

A-- Yes. And there was the Montrose dump, and in 1921, when we got the most yardage out, a much larger percentage of material was dumped on the Montrose dump, which meant there were very few trains going around the "Y", comparatively speaking.

MR. GABY: The Montrose trains were not under Mr. Harris' jurisdiction? A-- No, sir.

MR. ACRES: Mr. Buck, will you explain to the Commissioners what has to be done in case of the breakdown of a shovel, or collapse of a dump car through loading rock, on that shuttle line above Lundy's Lane, how the operation under Mr. Harris' system of central control from five miles away would compare with the construction system control with an operator right at the point of the trouble, in the matter of restoring traffic. That is a question of facing a problem of an accident happening instantaneously.

A-- By the method Mr. Harris outlined, it would simply mean that your trains would be on the main line, and the traffic would be off for a considerable time. With this other system it is simply a case of the operator handling the diversion of trains down other inclines so as to reach the shovels. And I might say that the place Mr. Acres speaks of was a deep rock cutting, and that was our great worry; no matter how closely they watched the shooting that track was blown out a number of times and the traffic had to be diverted in a number of different ways to keep the maximum number of shovels at work. That track was on a ledge about 14 feet wide

MR. ACRES: WHAT I want to point out is: contingencies like that happen continuously, and it becomes necessary to divert the traffic on a network of lines on a moment's notice, you simply have to reverse the whole system, and maintain that system for some minutes, or half a day. That condition is caused by untoward circumstances, giving rise to a change in the operation, and it has to be done under the eye of the men who are controlling it, it cannot be done under absentee control. If it were possible to do it under absentee control it would have entailed the installation of a traffic man, automatic machinery, automatic signal

apparatus, and would be as much a detriment to the operation of the road, through getting out of repair itself, as Mr. Harris claims in regard to our system of operation, contending that it was inferior to the automatic system.

In connection with the operation of main line standard railways, for instance, the despatcher in Toronto cannot reverse the direction of the traffic of trains in Montreal on a minutes notice. And that is what we had to continuously do.

THE CHAIRMAN: Mr. Harris, what have you to say with regard to that proposition?

MR. HARRIS: I might say, the situation Mr. Acres speaks of occurs quite often on the section of track where we have the interlocking plant and despatching system, and we have done just as he spoke of. Mr. Acres seemed to have the impression that my statement referred to the construction part of the work, as well as the railway; that is not what I meant at all; my statement referred to the railway work alone.

MR. BUCK: I have been operating railroads in connection with construction work all my life, but Mr. Angell, our General Superintendent, never failed to impress me that we were not railroading here, we were digging, and he said that the railroad had to keep up with the shovels; and that is the practice that has been maintained throughout the job. And it was quite plain to me that such was the case, I appreciated that.

MR. ACRES: Mr. Harris has simply reinforced my point; where it was possible to install that system, to get the trains running back on the automatic system, we did it, but in connection with the outlying operations on the job that automatic system was unfavourable because the operations had to be under the control of the men operating the shovel.

THE CHAIRMAN: We have covered the ground pretty

fully; is there anything more?

MR. ACRES: I can reinforce that evidence ad infinitum, if you wish to take the time.

THE CHAIRMAN: I think we have had enough.

I might say as to what Mr. Harris has just said, that he called on me last night at the Inn where I am staying -- I had never met him before -- and told me that he had to appear here this morning, and he said he had made an application for a position on the Canadian National Railways, or some railroad, where he tried for a job, and he thought if he had to testify here it might injure his chances of getting a position. I told him to go ahead, to come here and give his evidence in answer to his subpoena.

THE CHAIRMAN: Is Mr. John McBride here?

JOHN McBRIDE;

THE CHAIRMAN: Do you live in Niagara Falls?

A-- Yes,sir.

Q-- You are an alderman of the city? A-- Yes,sir.

Q-- What is your business, Mr. McBride?

A-- Insurance agent.

Q-- Were you employed on the Canal at all? A-- Yes,sir, from about July 1920, until September 1921, and then for a short time afterwards, from about the 1st of October 1921, to the end of December.

Q-- What did you do there? A-- In the first period I was employed on one of the large construction units, No.8 shovel, in the humble capacity of an oiler on the shovel; and in the latter period I was foreman in charge of a gang at the power house at Queenston, from October until December.

Q-- You have heard here the evidence given as to the inefficiency of labour on the Canal during the course of construction? A-- Yes,sir.

Q-- What have you to say about that? A-- In my opinion it is not so much the inefficiency of labour, if I were asked as to what was the cause of the extra cost of the Canal, I would say it was absolute disregard of the value of property, or material on the part of certain men employed on the Canal -- particularly the foreign element. So far as the efficiency of the skilled workmen on the Canal goes, I think there was a high standard of efficiency, particularly on the unit on which I was employed. We took out 130,000 yards of earth a month, and loaded it in cars 60 feet above the shovel. I think it was one of the highest producing units on the job. What I have said about the efficiency was general amongst the mechanics on the job.

Q-- You accuse some labourers of waste? A-- I think of an instance when Hydro started, it was rather an innovation in construction work, in order to keep the work going there in all kinds of weather they supplied the employees with rubber clothing, boots, hats and suits. The intention was, I presume, it was to be worn in inclement weather. In order that a man could get a pair of trousers, coat, hat and pair of boots, he had to present a requisition from his foreman. It has come under my personal observation that a great many men didn't use these clothes for the purpose for which they were intended, but rather for doing dirty jobs, and a man would go in with a requisition for a new suit of oil clothing, use it only one day, turn it in that night, and requisition another suit the next day.

Q-- Would he keep the second suit? A-- No. He would go with a requisition in the morning and get a suit of oil clothing, and would take it in at night, sign the requisition paper, and he was immediately clear; that same man might come back the next day and get another suit. That was done in a great many cases. That is one particular instance that

came under my observation.

Q-- Suppose they were handed in at night, would they be handed out again to someone else? A-- In some cases they weren't fit to give to anybody else, particularly when the man was working on a greasy and dirty job, then another man couldn't wear the suit -- it was impossible to wear it.

Q-- In a good many cases perhaps it could be handed out again? A-- It might be in some instances, but from what come under my observation, a lot were not.

Q-- What was done with it? A-- I can't say. Except they might be laundried.

MR. ACRES: May I interject a remark? What Mr. McBride says about the shovels is quite correct; the shovel operations was one of the shining exceptions of inefficiency on the Queenston work; the shovel crews did very wonderful work, and I have no hesitation in certifying to that fact. It is what saved the job. I have no criticism to make.

THE CHAIRMAN: Perhaps we had better wait until Mr. McBride gets through.

MR. ACRES: In regard to the rubber boots, we will have something to say about it later.

THE CHAIRMAN: What were the other instances of extravagance, or waste, amongst these people?

A--- They didn't seem to have any conception of what property values were. I might mention, for instance, during the period of high prices, during the war, when material was costing so much, a great many railway ties were taken, and they averaged about one dollar apiece. In particularly bad weather, like this weather, they would get hold of ties and cut them up, and put them in the stove. I remember speaking about it on several occasions, but they always told me, " Adam Beck has lots of money," or " The Government is rich."

That is just to show the way they did act extravagantly. There may have been numerous other instances.

Q-- What about lumber? A-- I never had any experience about lumber. I was working on No. 8 unit, and can only speak of what came under my observation in the immediate vicinity of that unit.

Q-- Have you known of any other instances in which material has been used? A-- Not that I can speak of with any degree of certainty that it is correct.

Q-- What was the cuase of the strike in 1920?

A-- I will have to go back into the history of the whole thing. I was a delegate to Toronto in 1919, with various other delegates from Niagara Falls, and we talked over the question of wages and conditions -- amongst other things, the 8 hour day. We had a conference with the officials of the Hydro, Messrs. Gaby, Acres, and Sir Adam Beck, and they declared it would be impossible to grant the 8 hour day, and the wages that were asked, and their reasons given, as Mr. Gaby said, " If we were to grant conditions such as you ask, it would increase the cost of the Canal from the original estimate of $20,000,000 to $40,000,000" He said they had designed this Canal with the idea of selling power in blocks to so-called basic industries at about an average of $7 or $8 per h.p. and that our request was an economic impossibility.

MR. GABY: No, what I may have said was, I pointed out to these men that an increase in wages such as they were asking at that time -- I don't remember the exact figure -- would increase the cost of the work some millions of dollars, which would have to be borne by the cost of power, as to whether it increased the rate $1 to $3 per h.p. I don't remember. I may have said that if the Canal had been constructed during the period on which the estimates were based, that is the 1916 prices, and conditions of labour

that obtained, and the price of horse-power was $6 or $7. I did not say that was an ecomomic condition.

MR. McBRIDE: The upshot of it was that we were deadlocked on the question, and Sir Adam Beck said, in order to make a settlement he would have to get the consent of all the municipalities concerned. And during the interval between that and the next meeting, he consulted the various municipalities and they empowered him to use his own judgment in that respect. Sir Adam came to Niagara Falls and had a conference with the men, and a certain scale of wages and conditions was agreed upon. They fixed a certain scale of wages for the various crafts, and the labour employed, but he said they could not grant it on account of wanting to have the Canal finished by September 1921, in order to take over the Toronto Street Railway, and they could not grant the 8 hour day, he claimed it was impossible to complete the construction unless the shovels were worked for 24 hours a day, and they could not put on three shifts of 8 hours a day because it would take sometime in between shifts, and if they worked 20 hours, there would be 2 hours between each shift for overhauling, oiling, and one thing and another, in connection with the various units.

However, the settlement arrived at at Niagara Falls was that the men were to get time and a half for overtime after 8 hours, and double time for Sundays and holidays. That was the agreement arrived at. The consequence was, in my opinion, it added to the cost somewhat, because while certain units were shut down, certain other units worked the full time, and the employees who worked full time were paid time and a half after 8 hours, while the real producing units were not producing anything in the overtime period. I believe that the rest of the conditions granted were the best on the American continent. I think Sir

Adam Beck was very fair.. I guess he found it out himself next year, because Hydro refused to renew the agreement the next year on the same conditions.

The next year the men asked for certain wages and conditions, they wanted a little better than they had been getting the year before, and the Commission couldn't see it. So they agreed on an average increase of wages of 10 cents an hour all around. That continued, and the price of the Canal continued to steadily mount until they had some difficulty in getting money from the Legislature. The cost kept mounting up by leaps and bounds.

In the early summer of 1921, the Commission saw that they were falling behind in their schedule, for some unexplained reason they couldn't keep up-to-date, and they purchased two new steam shovels. Now, those two shovels were, I think everybody will concede, two 'white elephants', they didn't come up to the mark, and produce as they should have produced.

Q-- Did you have anything to do with the operation of them?

A-- Not with those two. I do know that they tried one thing after another, and the shovels did not seem to work any better, they couldn't get the production out of them, and they changed the runners all around.

COMMISSIONER HANEY: Were they steam or electric?

A-- Two new steam shovels. That was the condition until the time I left in September 1921.

THE CHAIRMAN: To go back; you were speaking of waste. What do you say about the efficiency of labour, of the foreign labour? A-- I think the efficiency of the foreign labour was very low.

Q-- You think it fell short? A-- I can't state it particularly, but it took more men to do a given amount of work than it ordinarily would if they had been a different

class of men.

Q-- Was there any drunkenness amongst them?

A-- Not that I could observe; there might have been, but if so it took place in the camps. I don't believe I ever saw five drunks around on the job. It would be confined to the camps entirely, where they lived.

COMMISSIONER J.A. ROSS: Of course, the efficiency of labour at that time was very much lower than it had been before, or has been the last year or two?

A-- It was, as a matter of fact.

Q-- That condition prevailed all over the continent.

A-- I am just speaking of my own observation on this job.

Q-- You think this was particularly low, having in mind the efficiency of labour all over the development?

A-- No, not necessarily -- I suppose the same conditions prevailed all over at that time.

THE CHAIRMAN: You don't think it was more noticeable on this job than on other jobs? A-- Not as a rule, I would not say so.

COMMISSIONER HANEY: You weren't on other jobs.

A-- I was in a factory across the river, and had charge of a substation, and the labour turn-over was about the same as it was here, there was an average of about 125 men who quit every week, the same as it would be here. I think that was the general condition..

THE CHAIRMAN: Can you tell us anything about the sand they obtained for construction purposes? A-- That matter of sand was an arrangement entered into, as I understand, between the Commission and Patterson and Dixon of Stamford. I don't know the details, but there was a great deal of talk and speculation at the time as to whether it was more economical for the commission to pay for the sand , through a sub-contractor, or tomtake it out themselves,

because the pit happened to be in close proximity to their property. I think the pit is in the hands of the original owners, and, while I know nothing about it, I think it may be a matter you might care to investigate for yourselves.

Q-- As to whether they should have taken out the sand themselves, or through a sub-contractor? A-- As to whether it would be better. I know nothing of the details under which the contract was entered into, anymore than the general talk and speculation at the time.

Q-- Could it have been obtained anywhere else to better advantage? A-- Not that I know of; I believe the Commission were bringing washed sand from Niagara-on-the-Lake at that time.

Q-- Do you know of any case where there was unnecessary purchases , or unnecessary contracts,made? A-- No,sir.

Q-- Do you know anything about the machine shop?

A-- Not particularly.

Q-- Can you say anything about the organization there?

A-- Not particularly, except in some cases. I remember one particular case that happened on the shovel, they broke the propeller shaft of the shovel,and they sent it down to the machine shop,and it was gone sometime, it didn't come back, and we eventually found it out on the stone crusher.
It seems that a mistake was made, which seriously hampered the operation of the unit for the time being.

Q-- Were there any unnecessary delays on your electric shovel? A-- Not that I can recall, nothing that could be avoided, no.

Q-- Were some men employed who should not have been employed, or were there not sufficient men? A-- No, there were only a certain number of men, 3 or 4 men , the regular crew.

Q-- Were there any occasions where there was any overtime work done unnecessarily? A-- There never was much chance

on the shovels, because of repairs constantly being done, and you would be relived by the other shift.

Q-- On other branches of the work, what about overtime work being done unnecessiarily? A-- I can't say.

Q-- You know of no instances where there was any unnecessary overtime? A-- No.

Q-- What was the system of obtaining stores, how did that work? A-- I never had occasion to obtain stores to any degree, any more than there would be a requisition by the foreman in charge of the unit at which the stores were to be used.

Q-- Could any man, other than the foreman, requisition?

A-- I don't know that he could, if he did he would have to have the foreman's authority.

Q-- If he did, it would be with authority?

A-- Yes, with the authority of the foreman of that unit.

Q-- Was a proper check made of the stores given out?

A-- I can't say, it seemed to me I thought they were rather lax in that regard. I suppose a proper check would be kept of the goods issued, but as to whether they were actually delivered to the place for which they were requisitioned, or at the request of other parties, I can't say. I am not able to say if a proper check was followed up on that.

Q -- The stores might have been taken out by the foreman and used for some purpose not connected with the work?

A-- I don't know of any particular instance in which it was done, but there might have been the possibility of such a thing happening.

Q-- What should have been done to prevent the possibility of that happening? A-- I can't suggest anything, except where anything was requisitioned it might have been followed up to see that it was used for that purpose.

Q-- The requisition would come from the foreman of the job on which the stores were to be used? A-- They should have been followed up to see they were actually delivered.

Q-- There was a check of what was given out, but not a proper follow up check? A-- I rather imagine that in some instances there were not.

Q-- Have you known of instances that came to your knowledge where stores were used for some other purpose than requisitioned for? A-- Not particularly, except on the unit I was employed on, we would requisition various tools, wrenches, hammers, and various other articles necessary, and sometimes they would disappear, with a certain degree of regularity, and we would have to requisition more tools than actually needed; but whether it would be through carelessness or neglect, or loss, I am not prepared to say.

COMMISSIONER J.A. ROSS: Does not that always happen on any big job where tools are used? A-- There might have been a close check made.

Q-- Such a condition is almost natural?

A-- I expect it would be.

THE CHAIRMAN: What have you to say about the camp buildings, was there any unnecessary work done on them?

A-- Not that I know of. I believe the largest camps were built in the latter part of the construction.

Q-- Would that be in 1921 or 1922?

A-- In the early part of 1921. I don't know the purpose for which they were built, but they are large permanent buildings, of a permanent nature, and from the general opinion of all the men employed on the job it was taken as an indication that Hydro, having owned the right-of-way, and having spent that amount on the job, intended to go ahead with the construction of another canal.

Q--That is why they built these extra houses ?

A--That is taken as an indication, by the men.

COMMISSIONER HANEY : Do you think that these buildings were more expensive than were necessary for the short period they were intended for use ? A--I would not be able to judge.

THE CHAIRMAN : What time did the men work on the air compressors ? A--I understand, about 8 hours a day, the men went to work on the basic 8 hour day but because a faster operation was absolutely necessary, that work was run for 24 hours, and instead of there being three 8 hour shifts, it was split up between two shifts, and one shift would work five hours over time, and the other shift four hours, they would split the 24 hours between them.

Q--That is, one shift would work for 12 hours, and the other for thirteen hours ? A--Yes.

Q--And in one case the men would work 4 hours over time, and the other shift would work 5 hours over time ?

A--That is the idea. I expect that is the operation in connection with units such as pumps, and other units that had to be used for 24 hours.

COMMISSIONER HANEY : Would there be a scarcity of men for that class of work, that required them to work for 12 and 13 hours ? A--No, not an exact scarcity of men, in my opinion.

THE CHAIRMAN: Mr. Acres, would you like to deal with the matters Mr. McBride has mentioned ?

MR. ACRES : I do not wish to question Mr. McBride. I will make a statement after lunch.

MR. GABY : I would like to say that a great deal of the time was paid at the monthly rate, the men would get so much per month for the time they were working.

THE CHAIRMAN : We will adjourn until ten minutes past two.

(The Commission adjourned at 1.10 p.m. until 2.10 p.m., Wednesday, February 7th, 1923.

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Q--That is, one shift would work for 12 hours and the other for 12 hours ? A--Yes.

Q--And in one case the men would work 4 hours over time, and the other shift would work 8 hours over time ?

A--That is the idea. I object that in the operation in connection with water such as pumps, and other things that had to be used for 24 hours.

COMMISSIONER HANEY : Would there be a scarcity of men for that class of work, that required them to work for 12 and 16 hours ? A--No, not an extent scarcity of men, in my opinion.

THE CHAIRMAN : Mr. Jones, would you like to deal with the matters Mr. Mackie has mentioned ?

MR. JONES : I do not wish to question Mr. Mackie. I will make a statement after lunch.

MR. GADY : I would like to get that a great deal of the time was paid at the monthly rate, the men would not do much per month for the time they were working.

THE CHAIRMAN : We will adjourn until 2.00 o'clock.

(The Commission adjourned at 1.10 p.m. until 2.00 p.m., Wednesday, February 7th, 1923.
